VERBATIM RECORD OF THE INTERNATIONAL WHALING CONFERENCE HELD IN WASHINGTON, D.C., NOVEMBER 20TH TO DECEMBER 2ND 1946

THE 1946 CONFERENCE DOCUMENTS IN THIS RECORD ARE:

IWC/11	Minutes of the Opening Session, November 20, 1946
IWC/14	Minutes of the Second Session, November 20, 1946
IWC/20	Minutes of the Third Session, November 21, 1946
IWC/22	Minutes of the Fourth Session, November 21, 1946
IWC/25	Minutes of the Fifth Session, November 22, 1946
IWC/26	Minutes of the Sixth Session, November 23, 1946
IWC/32	Minutes of the Seventh Session, November 25, 1946
IWC/37	Minutes of the Eighth Session, November 26, 1946
IWC/44	Minutes of the Ninth Session, November 27, 1946
IWC/47	Minutes of the Tenth Session, November 27, 1946
IWC/54	Minutes of the Eleventh Session, November 29, 1946
IWC/56	Minutes of the Twelfth Session, November 29, 1946
IWC/58	Minutes of the Thirteenth Session, November 30, 1946
IWC/62	Minutes of the Fourteenth Session, November 30, 1946
IWC/65	Minutes of the Fifteenth Session, December 2, 1946

IWC/11

November 20, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE OPENING SESSION

TIME: Wednesday, November 20, 1946, 11:20 p. m.

PLACE: Main Conference Room

1. MR. KELLOGG (Temporary Chairman): The International Whaling Conference is now convened. The Honorable Dean Acheson, Acting Secretary of State, will now address the Conference.

2. MR. ACHESON (U.S.): Mr. Kellogg and gentlemen of the Conference, I am very pleased to have this opportunity of welcoming you here today on behalf of the Government of the United States.

3. The convening of this International Whaling Conference is gratifying, not only because it marks the advance of international cooperative effort in whale conservation, but because it illustrates increasing cooperation among the nations in the solution of international conservation problems.

4. The work of this Conference is (1) to provide for the coordination and the codification of existing regulations and (2) the establishment of an effective administrative machinery for the modification of these regulations from time to time as conditions may in the future require.

5. Previous conferences have recognized that there is an urgent need to establish a permanent international machinery to deal with whaling questions and to avoid the frequent formal international conferences and protocols which have characterized the history of the whaling regulations. The United States proposals for a permanent whaling commission and for the codification of existing regulations are a manifestation of the recognized need to place whale conservation on a permanent basis. These proposals have been presented to you as a basis for your deliberations at this Conference.

6. While the immediate task of this Conference is primarily of an administrative character in establishing the long-range machinery for regulation, the broad objectives of whale conservation must be constantly borne in mind. In wide perspective, all of the nations of the world have responsibility and interest in maintaining and

developing the whale stocks. These whale stocks are a truly international resource in that they belong to no single nation nor to a group of nations but rather they are the wards of the entire world. It is true that the whalers of only a few nations have, during any one period, chosen to exploit this common resource. It has not been so long since this country was the primary exploiter of the world's stocks, and I must admit that I look back with regret to the fact that the world did not take its conservation responsibilities more seriously in that era.

7. Whale conservation must be an international endeavor and it is our hope that each nation, whatever its direct or indirect interest in whaling, will ultimately participate actively in the great tasks of fostering and developing this common resource.

8. As I turn this meeting over to you I do so with no question as to its outcome. This problem of whale conservation and development is not new to you - many of you are authors of this program, most of you have worked closely together for many years in striving toward the best possible means for preserving international whale stocks, and all of you are here with similar purposes and similar aims.

9. May I then wish you great success in the work of this Conference and a pleasant stay in Washington.

10. MR. KELLOGG (Temporary Chairman): Thank you, Mr. Secretary.

11. Now, I have the honor to introduce Mr. A. T. A. Dobson, Chairman of the British Delegation.

12. MR. DOBSON (U.K.): Mr. Secretary of State, members of the Conference, I feel very much in your debt.

13. In the first place, I should like to express my personal thanks for the honor that you have conferred upon me in inviting me to respond to your address of welcome.

14. Secondly, on behalf not only of the British Delegation but also on behalf of all delegations, I wish to say how much we have appreciated the charming way in which you have bid us welcome to this city.

15. Thirdly, from what I have seen already, I would like to congratulate the American State Department and express our heartfelt thanks to it for the magnificent way in which it has conducted this Conference so far. Some of the British Delegation, and I have no doubt that the same applies to members of other delegations, are paying our first visit to the United States. Others are fortunate enough to be familiar already with this city.

16. Through the kindness of some of our friends, especially Dr. Kellogg and Dr. Flory, we of the British Delegation have had the advantage of seeing under the most ideal conditions and under the most ideal weather conditions this very beautiful city. To mentio n but one example: the very beautiful Lincoln Memorial, which impressed us immensely.

17. I can confess, however, to a certain amount of sadness. I saw so many of the pictures with which we have been brought up in our United Kingdom in your National Museum, Corcoran Gallery, and others. I am told that in the Folger Library, which I am going to see, that there are no less than seventy-six volumes of Shakespeare, which represents more than half the number known to exist. Nevertheless, it is noted that they are very beautifully housed, and I cannot imagine more beautiful repository for such a work of treasure.

18. So, I can assure you that when the time comes at the end of our labors for us to leave Washington, we shall be very sorry to go. We have so far--I have been here a week already--had the most extraordinary spontaneous kindness from everybody. We came here for the first time without knowing how we would be received, and I confess that when the taximan told me that he collected old china and old glass I felt very much at home.

19. I notice in one of your guide books that we are to go back better Americans. I feel that when we leave Washington we at least shall go back better, whatever our nationality.

20. One word about the Conference itself. I think this is the fifth conference that I personally have attended, and for some of you I think it is the sixth. We have, as you have said, a fairly complicated, but yet I think a fairly clear-cut, problem before us. It is one of consolidation and codification, and I am confident enough to think we shall have no difficulty in reaching complete unanimity by the end of our Conference. At all events, I would like to assure you that we of the British Delegation pledge to do our utmost to assist in the achievement of that end so that the world resource may be maintained and an immensely important source of food supply conserved for all time for the benefit of both the producer and the consumer in all parts of the world.

21. Mr. Secretary of State, I thank you most cordially.

22. Mr. KELLOGG (Temporary Chairman): Thank you, Mr. Dobson.

23. At this point in our proceedings it is the practice to introduce the members of the individual delegations, so that we will all get acquainted at the start. When your name is called you will please rise and we will go around the room and get through with the introductions fairly rapidly.

24. Argentina: The Ambassador of Argentina -- Thank you. Mr. Moneta, Mr. Brown, Mr Bruno.

25. Australia: Mr. Anderson, Dr. Setter.

26. Canada: The Ambassador was unable to be here at this session. Mr. Scott, Mr. Rodd, and Mr. Dymond.

27. Chile: Mr. Edwards.

28. Denmark: Mr. Erichsen and Mr. Mortensen.

29. Iceland: Mr. Bjornsson.

30. Netherlands: Dr. Van Dijk, Mr. Drost, Mr. Von Felde.

31. New Zealand: Mr. Powles.

32. Norway: Our old friend Birger Bergersen. Mr. Lykke, Mr. Knudtzon, Mr. Voss, Mr. Ruud, Mr. Sörensen, Mr. Haugen, Mr. Paulsen.

33. Peru: Admiral Rotalde.

34. Portugal: Commander Jorge.

35. Sweden: Mr. Belfrage, Mr. de Virgin.

36. Union of South Africa: Mr. Smit.

37. United Kingdom: Mr. Dobson, Mr. Thomson, Mr Mackintosh, Mr. Sykes, Mr Melville, Mr Cross, Mr. Hutton, Mr. Knowles, Dr Templeman, and Mr. Geclot.

38. United States: Dr. Gabrielson, Dr Flory, Dr Deason Mr. Hayes, Mr. Lund, Captain Moore, and Mr. Rossiter. The Administrative Assistant of this Delegation is Mr. Castleman.

39. Now, I think, in accordance with established practice the United States offers the services of an International Secretariat. If there is no objection the Conference will accept this Secretariat, and I will now introduce its administrative officials: Secretary General, Mr. Willard; Technical Secretary, Mr. Chaney; Legal Adviser, Mr. Vallance; Treaty Adviser, Mr. Bevans; Assistant Technical Secretary, Miss Shreve; Secretary for Biology, Dr. Gilmore; Secretary for Economic Problems, Miss Bayles; Special Assistants to the Secretary General, Mr. Breese and Miss Pringle; Press Relations Officer, Mr. Reap; Administrative Officer, Mr. Richardson; Documents Officer, Mr. Schmitter; and Assistant Documents Officer, Mr. Sandberg. Thank you.

40. You may wish to refer to the alphabetical list that is before you and among the documents. The complete list of Unit heads and supervisors, who are now busy with their respective duties, will be found in the Provisional Directory, IWC/7.

41. I propose that pending the examination and approval by the Conference of the credentials submitted votes temporarily be taken by a majority of all the participating countries which have given or intend to give full powers to their delegations.

42. We will now proceed with the provisional adoption of the Rules of Procedure, which are included in Document IWC/2, copies of which have already been distributed. If there be no objection, I will declare these rules adopted provisionally. There is no objection; the rules are adopted provisionally.

43. Now with reference to the adoption of the agenda, if there are no objections I will declare the agenda adopted provisionally. Are there any objections? There being none, the agenda is declared to be adopted provisionally.

44. We will proceed next to appointments to certain committees.

45. Credentials Committee: The Chair appoints the following as Members of that Committee: New Zealand--Colonel Powles, Chairman; Chile--Mr. Edwards; Denmark--Mr. Erichsen.

46. All will note from the Order of the Day that the Credentials Committee is to make an interim report at the start of the Second Plenary Session at 2:45 this afternoon. This does not leave much time for this Committee to complete its work; however, the Secretary of this Committee, Miss Frances Pringle, has made arrangements for the Committee to meet in the lounge adjoining this room immediately after this Session is over.

47. The Chair next proposes to appoint the following to the Nominations Committee: The Honorable A. T. A. Dobson of the United Kingdom as Chairman; Mr. Birger Bergersen of Norway; and Mr. Bjornsson of Iceland. The Secretary of this Committee, Mr. William Breese, has made arrangements for the Committee to meet in Room 1123 immediately after this session.

48. With respect to the organization of the work of the Conference: the first matter to be considered is the approval of hours of the plenary sessions. Would it meet with the approval of this Conference to meet in the morning from 10 to 12:30 and in the afternoon from 2:30 to 6:00? If so, it will be considered that those are the hours of meeting.

49. That schedule leaves us two hours for lunch.

50. In the afternoon we propose a fifteen-minute recess at 4:15.

51. Now we come to the matter of approval of the days of meeting. Does the Conference wish to work on Saturdays? May we have some expression of opinion on that?

52. MR. DOBSON (U.K.): Mr. Chairman, I should like to see the Conference work on Saturdays, if it is not too inconvenient.

53. MR. KELLOGG (Temporary Chairman): That is agreeable unless there are objections. Are there any objections? There being none, the Conference will work on Saturdays.

54. Inasmuch as Thanksgiving Day, November 28, is a national holiday of the United States, would the Conference be willing not to meet on that day?

55. MR. ANDERSON (Australia): Yes.

56. MR. KELLOGG (Temporary Chairman): With respect to committee work, you will note that Article 11 of the Rules of Procedure, Document IWC/2, provides that the Chairman shall appoint, with the advice and consent of the Conference, any necessary committees for working or drafting purposes or for the consideration of special subjects. I therefore suggest that the appointment of such committees be deferred until we reach a point in our work where it will be necessary to set up one or more committees.

57. I also would suggest that if and when a committee is set up its reports be submitted by its secretary, who will be provided by the Technical Secretary of this Conference in accordance with the Rules of Procedure. The procedure would be for the committee secretary to clear all such reports with the chairman and members of the committee before transmitting the report to the Technical Secretary for duplication. If this procedure is followed we can get prompt clearance and duplication of such reports for presentation to the Conference for consideration. Such committees, when appointed, should consult with the Technical Secretary with regard to assignment of rooms and the scheduling of the hours of the meeting.

58. In addition, any proposal or any material that a delegation may care to submit should be submitted to the Technical Secretary for duplication. This will permit the work to be done promptly and to be ready for consideration at the next session of the Conference.

59. The Drafting Committee also will be appointed when needed.

60. In regard to the matter of addressing the Conference, I would like to suggest that each delegation member, before starting to speak, give his own name and the name of the country and, if possible, try to speak into the microphone that is within convenient reach. There is a recording system to help out the stenographic force.

61. The Chair invites a motion on observers.

62. MR. FLORY (U.S.): Mr. Chairman.

63. MR. KELLOGG (Temporary Chairman): Mr. Flory.

64. MR. FLORY (U.S.): In view of the intimate relation of the subject matter of this Conference to the interests and responsibilities of the United Nations Food and Agriculture Organization, I move that the Conference extend an invitation to officers of the FAO Secretariat to attend the Conference sessions and committee meetings as observers with full rights to speak but without voting privileges.

65. MR. KELLOGG (Temporary Chairman): You have the motion before you. What is your pleasure?

66. Will someone second the motion?

67. MR. EDWARDS (Chile): I second that motion.

68. MR. KELLOGG(Temporary Chairman): Thank you. You have the motion and it has been seconded. All those, then, in favor please say "Aye". (Chorus of "Ayes".)

69. Contrary, "No". (No response.)

70. The motion is adopted.

71. The Chairman is ready to entertain any motion the delegates may wish to propose with regard to this afternoon's program.

72. MR. FLORY (U.S.): Mr. Chairman.

73. MR. KELLOGG (Temporary Chairman): Mr. Flory.

74. MR. FLORY (U.S.): The usual procedure at previous conferences, I believe, has been for the Conference to agree at its opening session on a press release. You may recall that a press release has already been made by the United States and the various delegations were notified of that in advance. I should like to move that the agenda which has been submitted to the various delegations in advance be released to the press.

75. MR. KELLOGG (Temporary Chairman): Is there a second to that motion?

76. MR. ANDERSON (Australia): I second that motion.

77. MR. KELLOGG (Temporary Chairman): It has been moved and seconded that the agenda be released to the press. Will those that are in favor please say "Aye"? (Chorus of "Ayes".)

78. Contrary, "No". (No response.)

79. The motion has the approval of the Conference.

80. MR. FLORY (U.S.): Mr. Chairman.

81. MR. KELLOGG (Temporary Chairman): Mr. Flory.

82. MR. FLORY (U.S.): This Conference has a great deal of work before it, as Mr. Dobson has said, and I believe we are all anxious to get down to the technical, substantive discussion before us as rapidly as possible. In order to expedite the work of this Conference as much as possible, and in conformity with the practice observed at previous Whaling Conferences, I move that the Conference meet this afternoon in executive session.

83. MR. KELLOGG (Temporary Chairman): Is there a second?

84. MR. DOBSON (U.K.): I second the motion.

85. MR. KELLOGG (Temporary Chairman): The motion as proposed has been seconded.

86. All those in favor please say "Aye". (Chorus of "Ayes".)

87. Those opposed the contrary sign. (No response.)

88. The motion has been approved. It is regretted that admission to the following sessions will be restricted to delegation members accredited by participating governments or to those invited by the vote of the Conference.

89. I have some announcements to make at this time.

90. The Honorable Dean Acheson, Acting Secretary of State, will act as the host at the reception for all officers of the Delegations this afternoon at six o'clock in the East Room of the Mayflower Hotel.

91. The registration officer has also requested me to ask all delegation members who have not as yet registered to do so immediately after this session. I may say that all the invitation lists are based on this registry of names and we do not wish to omit anyone when the invitations are sent out; so, if you have not already done so, please register.

92. If there is no further business, this session will adjourn.

93. (The meeting adjourned at 11:55 a.m.)

- END -

RESTRICTED
Corrigendum A
IWC/11
5
November 23, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM A

MINUTES OF THE OPENING SESSION

November 20, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 2

12. MR. DOBSON (U.K.): Mr. Secretary of State, members of the Conference, I feel very much in your debt.

13. In the first place, I should like to express my personal thanks for the honor that you have conferred upon me in inviting me to respond to your address of welcome.

14. Secondly, on behalf not only of the British Delegation but also on behalf of all delegations, I wish to say how much we have appreciated the charming way in which you have bid us welcome to this city.

15. Thirdly, from what I have seen already, I would like to congratulate the American State Department and express our heartfelt thanks to it for the magnificent way in which it has documented this Conference so far. Some of the British Delegation, and I have no doubt that the same applies to members of other delegations, are paying our first visit to the United States. Others are fortunate enough to be familiar already with this city.

Page 3

16. Through the kindness of some of our friends, especially Dr. Kellogg and Dr. Flory, we of the British Delegation have had the advantage of seeing under the most ideal conditions and under the most ideal weather conditions this very beautiful city. To mention but one example: the very beautiful Lincoln Memorial fairly took our breath away.

17. I can confess, however, to a certain amount of sadness, when I saw so many of the pictures with which we have been brought up in our United Kingdom in your National Museum, Corcoran Gallery, and others. I am told that in the Folger

(2 pages)

Library, which I am going to see, that there are no less than seventy-six first-folio Shakespeares, which represents more than half the number known to exist. Nevertheless, it is noted that they are very beautifully housed, and I cannot imagine a more beautiful repository for such a wealth of treasure.

18. So, I can assure you that when the time comes at the end of our labors for us to leave Washington, we shall be very sorry to go. We have so far--I have been here a week already--had the most extraordinary spontaneous kindness from everybody. We came here for the first time without knowing how we would be received, and I confess that when the taximan told me that he collected old china and old glass I felt very much at home.

19. I notice in one of your guide books that when we leave Washington we go back better Americans. I feel that when we leave Washington we shall all go back better men, whatever our nationality.

20. One word about the Conference itself. I think this is the fifth conference that I personally have attended, and for some of you I think it is the sixth. We have, as you have said, a fairly complicated, but yet I think a fairly clear-cut, problem before us. It is one of consolidation and codification, and I am confident enough to think we shall have no difficulty in reaching complete unanimity by the end of our Conference. At all events, I would like to assure you that we of the British Delegation pledge ourselves to do our utmost to assist in the achievement of that end so that the whaling industries of the world may be maintained and an immensely important source of food supply conserved for all time for the benefit of both the producer and the consumer in all parts of the world.

21. Mr. Secretary of State, I thank you most cordially.

- END -

RESTRICTED
IWC/14

November 20,1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE SECOND SESSION

TIME : Wednesday, November 20, 1946, 3:00 p.m.

PLACE: Main Conference Room

1. MR. KELLOGG (Temporary Chairman): Will the Conference please come to order. First I would like to call your attention to a correction in press release 830, copy of which has been laid on each desk. On page 2, the second line now reads, "You are now new...". It should be, "You are not new...". If you will make that correction, we will all be satisfied.

2. The second item is that you will observe place cards for delegation members have been placed on the table. Each delegation should feel free to readjust the arrangement in accordance with the seating arrangement you desire. Please also in speaking--again let me repeat--state your name and your country for the benefit of the reporters.

3. Another item to which your attention is directed is Document IWC/9, entitled "Conference Documentation", and particularly to its attachment--Form 2--to be filled out and delivered to the Documents Distribution Officer. It is the small document attached on the back--Form 2. I urge that each delegation sees to it that Form 2 is executed today and deposited with the Documents Distribution Officer in the Foyer. If you will take care of that matter we will all appreciate it very much.

4. I have an apology to make. Introduction of Captain Salvesen of the United Kingdom Delegation was omitted this morning, and if Captain Salvesen will please rise you will see who Captain Salvesen is. Thank you, Captain Salvesen. My apologies.

5. I will now call on Colonel Guy Powles, Chairman of the Credentials Committee, for his interim report. Colonel Powles.

6. COLONEL POWLES (New Zealand): Mr. Chairman, the Committee has the honor to report as follows: The Committee appointed by the Temporary Chairman of the International Whaling Conference to examine the credentials of its participants met on November 20, 1946, at 12 noon at the Conference Headquarters. The Committee consisted of the representatives of the Delegations of New Zealand, Chairman, Chile,

(32 pages)

and Denmark. The credentials of the representatives of the following 16 governments to participate in this Conference were examined and found to be in good order: Argentina, Canada, Chile, Denmark, France, Iceland, Ireland, The Netherlands, New Zealand, Norway, Peru, Portugal, Sweden, Union of South Africa, United Kingdom, and the United States of America.

7. The Governments of Iceland, Ireland, Portugal, Sweden, and the Union of South Africa have indicated that their Delegations will attend in the capacity of observers.

8. The Committee recommends to the Conference the acceptance of these credentials and the accordance to these representatives of the right of participation in the Conference in accordance with the Rules of Procedure provisionally adopted at the opening session.

9. The credentials of the Representatives of Australia, although issued, were not available for exam nation by the Comm ttee. Pending such examination, the Committee recommends that the Representatives of Australia be accorded the right of participation in the Conference in accordance with the Rules of Procedure adopted provisionally at the opening session.

10. The full powers of all of the prospective plenipotentiary delegations have not yet been deposited. Accordingly, the Committee recommends the temporary waiver with respect to prospective plenipotentiary delegations of the provisions of the Rules of Procedure requiring the deposit of full powers as a prerequisite to voting. The Committee recommends, therefore, that by the adoption of this report and pending the receipt and review of such full powers by the Committee, and their acceptance by the Conference, the prospective plenipotentiary delegations be accorded the privilege of voting. That is the report, Mr. Chairman.

11. MR. KELLOGG (Temporary Chairman): Thank you, Colonel Powles. If there are no objections I declare the report of the Credentials Committee adopted. The report is adopted.

12. Now we have the report of the Nominations Committee for adoption. I call upon the Honorable Dr. Dobson, Chairman of the Nominations Committee.

13. MR. DOBSON (U.K.): Following is the report of the Committee on Nominations: The Comm ttee on Nominations met at 12 noon on November 20, 1946, at the Conference Headquarters to consider recommendations for the Offices of Chairman and Vice-Chairman of the conference respectively. The Committee met under the chairmanship of Dr. Dobson, the Representative of the United Kingdom. The other members present at the meeting were: Professor B. Bergersen of Norway, Mr. O. Bjornsson, Iceland. The Committee unanimously recommends the following: Nomination for Chairman of the Conference, Dr. Kellogg, the Chairman of the Delegation of the United

States of America. Nomination for Vice-Chairman of the Conference, Dr. Gabrielson, Member of the Delegation of the United States of America. I beg to move the adoption of that report and its contents.

14. MR. KELLOGG (Temporary Chairman): You have heard the motion. Is there a second?

15. DELEGATE FROM NORWAY: I second it.

16. MR. KELLOGG (Temporary Chairman): Those in favor say "Aye". ("Ayes")

17. MR. KELLOGG (Temporary Chairman): Contrary? The report of the Nominations Committee is accepted and the officers therein nominated are declared elected in these proceedings.

18. Delegation Proposals are now in order.

19. MR. DOBSON (U.K.): May I address the Conference on this.

20. MR. KELLOGG (Chairman): Dr. Dobson of the United Kingdom.

21. MR. DOBSON (U.K.) I have rather an important observation to make and with the help of the Conference I would like to get it off my chest. I refrained this morning from saying anything about the agenda of the Conference because what I am going to suggest does not materially interfere with the subject matter of the agenda. But, Mr. Chairman, the British Delegation is very concerned at the possibility that the convention which we all hope to achieve at this Conference will be of such importance that it may not attract the necessary ratification to whatever we settle in time for dealing with the whaling season of 1947-48, which will be due to start about December, 1947. The Protocol of November, 1945 dealt with the whaling season which is about to open, that is, 1946-47. It was, of course, the earnest desire of the British Government, and I think of the United States Government, and I am sure of the Norwegian Government, among others, that when we met here we should be able to arrive at a conclusive convention, which would not only cover the position for all time but which would at the same time allow for a procedure which would simplify the question of such things as ratification, or at all events even enable alterations to be made without that rather elaborate procedure. Therefore, with some regret, I have now on behalf of the British Delegation to move an amendment which I feel is absolutely necessary if we are to be quite sure that we are going to provide as a result of this Conference for the 1947-48 season, which otherwise would be left to the tender mercies of the 1937 agreement and its amending protocols.

22. Now, gentlemen, I need not inform you that the whaling industry, especially of those countries like Norway and ourselves, Holland and South Africa, and especially the first two, are extremely important industries in which an enormous amount of money is sunk and they are producing very vital commodities, oil among other things. The whaling industries have to make elaborate arrangements for the conduct of their expeditions in any given year. They have, for example, to make contracts for the employment of their crews and their catchers, and it is imp ssible for the whaling industry of any country to go on relying on a convention which they may see unratified, as, strictly speaking, they don't know that is going to be binding until it is ratified. I say we must look after the whaling industries in this respect. As I say, I feel doubtful whether the convention which we hope will emerge quickly from this conference will be effective, in view of the experience we have had in the past, in time for the 1947-48 season. I would, therefore, strongly press on behalf of the British Delegation that we should, as the first item on the agenda address ourselves to a short protocol, which need not be more than two provisions, the effect of which will be to deal with the 1947-48 season as a separate entity and apply to that season the conditions of 1946-47 as set out in the protocol that emerged from the 1945 whaling conference. Gentlemen, that is my first proposal. I realize, of course, the question as to whether the 1946-47 provisions should precisely apply is a matter of discussion. I would like to say here that the advantage of transferring the provisions of the 1945 protocol so as to apply it in its entirety to 1947-48 obviously has a great deal to recommend it.

23. Well, now, Mr. Chairman, if I am able to carry my colleagues in this Conference in that proposal, I would suggest that we apply ourselves to the rest of the agenda in two sections. We are considering a draft convention covering a long-distance policy. That convention, as I see it, should be dealt with in two separate halves. The first half, which I think is most important, is that we should decide what we are going to put in by way of restrictions. That is what I call, in fact, the codification of all that is good in the 1937 and subsequent protocols.

24. I said this morning that I am sanguine enough to think there will be sufficient give and take to enable us to arrive quite happily at what is the best of those so that we may put them into the new convention as codification.

25. Having dealt with that, we then have to deal with the second part of the new convention. That is the question of the setting up of a commission so that we may endeavor in the future to deal with any amendments to the main convention in a manner which will be expeditious and possibly avoid the present, rather difficult procedure of ratification.

26. Now that is the order, Mr. Chairman, in which I suggest we should proceed. First, that we should apply ourselves to what we are going to do for the 1947-48 season. This, I fully realize, must mean a separate but very short protocol which can be rapidly subm tted to the governments

concerned, and, I hope, ratified. I realize your particular difficulties in the United States. Secondly, we should address ourselves to the long-distance convention, but divide it into two heads. One would be the main part of the convention, which will deal with codification and regulations. Two, which I think should come at the end of the convention, would be the matter of setting up a whaling commission. I will say no more about how that should be set up. I shall have a little to say on that, but I now want only to put before the Conference in the shortest manner what I think to be, or rather, what the British Delegation wishes to put forward as, the most effective means of getting through this Conference speedily.

27. Mr. Chairman, one other final word which you will perhaps forgive me for mentioning now. I shouldn't wish to emphasize it so early at this Conference, which many of us came a long distance to attend but I do know that some of my colleagues in the other delegations are, or certainly may be, affected in the same way. We find it extremely difficult to obtain passages back to Europe, because there are only a limited number of passages available, and I was hoping that all the members of the Conference would vie with each other to address ourselves to this problem with the utmost expedition so that if there is a chance for a sudden passage back to Europe, we may take it. I mean, it isn't a question of waiting a day or two; if, for example, we miss a passage on the second of December, we might have to wait another 14 or 15 days. That means we might not be able to get home before Christmas. I admit this is a rather domestic matter, but I thought it well to mention the thought. It would be a great pity if we found on the fourth of December that we might have finished on the second and somebody was caused a 14- or 15-day delay.

28. MR. FLORY (U.S.) Once again, I believe that the British and the Americans are in complete agreement in substance, and, possibly, have only some disagreement in terms of form and procedure. On Mr. Dobson's first point, I believe that we would agree completely that the continuity of regulations is most desirable, that we should make every effort to assure that the regulations on an interim basis should coincide fully and completely with the entry into effect of any kind of long-term arrangement that we may reach at this Conference.

29. However, I would like to make several observations on that point. Inasmuch as it was our intention in drafting the proposals that there should be this continuity of regulations, we tried to provide a mechanism whereby the proposed agreement, if agreeable to the Conference, would come into effect with the least possible trouble.

30. We were using as our guide the American procedure for ratification which we thought was possibly the most complicated of all ratification procedures. On that, we may have been in error.

31. In any event, when the American proposals were drafted, we did not believe that any interim arrangement would be necessary; and it was hoped that the proposals contained in IWC/3 could be approved and ratified with a minimum of difficulties, since no immediate legislation would be required to implement its provisions. We may have been wrong in our assumption that ratification would be slower in the United States than elsewhere; and we would be quite willing to consider, in accordance with Mr. Dobson's suggestion, an interim arrangement immediately. However, inasmuch as our time is more or less limited and we are hard pressed, I would suggest that we should try to limit the discussion of the interim agreement to two sessions, if possible.

32. MR. DOBSON(U.K.): Wonderful.

33. MR. FLORY (U.S.): Agreed; and then lay the interim arrangement over for signature until the end of the Conference.

34. On the other point of consideration, the long-term arrangements in two sections, I believe that we are likely to run into considerably more difficulty by trying to rearrange the substance of the American proposals than if we just took the substance as we come to it in the American proposals and leave any division that may be agreed on to the drafting committees.

35. I believe that what we are getting to is in reality a drafting problem rather than one of substance. In developing the American proposals, it has been found to be desirable to insert in the first portion of the agreement only a few of the provisions of previous agreements. Most of the provisions of previous agreements now are found in the schedule. If that procedure is agreeable, it is suggested we consider the substance of the American proposals more or less as we come to them, rather than try to divide them up into two separate groups. I believe this would expedite the procedure of the Conference considerably.

36. MR. DOBSON(U.K.): Mr. Chairman, I don't want to interfere with the discretion of the State Department on the drafting. I agree with Dr. Flory. What I suggest to the Conference probably is a drafting point. I am hopeful that we may note this agreement, in the long run, as to the codification of the regulations or restrictions; but there may be a certain amount of disagreement as to the method. I agree that this may be a drafting point, and I will leave myself in the hands of the authorities. I am much obliged for what Mr. Flory says about the 1947-48 situation. I am sorry for such tinkering with this matter.

37. MR. KELLOGG (Chairman): Thank you, Mr. Dobson.

38. Are there any further objections? Before we go on, I would like to request again that speakers do not rise in addressing the Conference. The recording system is such

that the record will be lost unless you speak into the microphone. So, please remain seated and try to get the microphone near you when you speak.

39. If there is no further objection, Mr. Dobson's proposals will be put on the agenda.

40. Mr. Dobson, can you furnish a draft?

41. MR. DOBSON (U.K.): A draft of my proposal?

42. MR. KELLOGG (Chairman): Yes.

43. MR. DOBSON (U.K.): We will do that.

44. MR. KELLOGG (Chairman): What I was going to suggest is this: If you can furnish a draft, we will turn it over to the Drafting Committee and it can be put into the hands of the Conference as soon as we get duplicates. Would that be agreeable?

45. MR. DOBSON (U.K.): That would be agreeable.

46. MR. KELLOGG (Chairman): We should adjourn at 5:30 so that we can be at the reception promptly at 6 o'clock.

47. MR. DOBSON (U.K.): Would it help if we drafted o only those paragraphs which give effect to what I have suggested?

48. MR. KELLOGG (Chairman): Yes.

49. MR. DOBSON (U.K.): Let us give them to you as we think they should be. Perhaps we cannot give you completed provisions, but at least a draft.

50. MR. KELLOGG (Chairman): Give it over to the Technical Secretary and he will take care of it.

51. MR. DOBSON (U.K.): Thank you.

52. MR. KELLOGG (Chairman): Now that arrangements have been made for the draft of the short-term protocols, can we take up provisionally consideration of the United States proposals in IWC/3? We shall not lose any time. We shall go through the substance and provisionally take care of it.

53. MR. EDWARDS (Chile): Mr. Chairman --

54. MR. KELLOGG (Chairman): Are there any further or other proposals? Mr. Edwards?

55. MR. EDWARDS (Chile): In reading through the American proposals there is one small point to be found in the schedule on page 20. It may possibly be an omission from

the 1938 agreement, and the proposal of my Delegation's suggestion is as follows:

56. The Chilean Delegation proposes that the wording of paragraph IX of the schedule of the United States proposals be amended -- line 87, page 20 -- by the addition of the word "baleen" after the word "treating", to conform to the 1937 agreement, Article VIII, as amended by the 1938 agreement, Article VI.

57. MR. KELLOGG (Chairman): Thank you, Mr. Edwards. Would you be agreeable to let that go until we get to that particular item?

58. MR. EDWARDS (Chile): Certainly.

59. MR. KELLOGG (Chairman): We can take it later and in order. In the meantime the proposal will be in the hands of our Technical Secretary.

60. MR. VAN DIJK (Netherlands): Mr. Chairman and Gentlemen: After receiving the invitation to attend the International Conference for the Regulation of Whaling, on which occasion a simplification of the Regulations already proposed at several international meetings was to be discussed, the Netherland Government felt anxious to accept.

61. Whaling is of paramount importance to mankind; the many products which can be extracted from whales are of course so well-known to you that it may be considered superfluous for me to enter into details with regard to this subject. However, I especially want to draw your attention to the fact that the world fat situation is largely dependent on successful whaling. One of the things that is of the utmost concern to many governments is the world fat situation.

62. Before the recent war, undernourishment existed in many parts of the world; that is to say, the diets consumed there were much below the standard required for good health. Under the present circumstances, the people's concern with everyday food problems has become more intense. Not only in those countries where famine prevailed before the war, but also in countries which formerly were considered to have high nutrition standards.

63. The scarcity of food must primarily be ascribed to the fact that the production of many basic foodstuffs did not keep pace with the needs. Moreover, international relations had not sufficiently developed -- a fact which caused a scarcity of foreign currency; so that it was impossible for the people to purchase the foodstuffs they could not possibly dispense with.

64. It would appear to the Netherland Government that all regulations with regard to whaling have to be discussed also in the light of the present world food siguation.

65. If we review the world food situation, the shortages of fats are found to be most alarming. These shortages can, to a considerable extent, be eliminated through proper whaling, which implies that adequate consideration should be given to the conservation of a certain stock of whales so as to prevent the fat situation from becoming serious again in the future.

66. The Netherland Government, therefore, is very happy indeed that a Dutch shipping company has succeeded in obtaining a ship. In taking these and many other measures, the Netherlands have cooperated in mutual understanding and are indeed prepared to do so in the future.

67. The Netherlands, however, were highly astonished at learning that one of the countries which plays an important part in whaling, and which also has signed the International Agreement for the Regulation of Whales, a country which is, just as the Netherlands themselves, a full partner within the framework of this agreement, has thought fit to issue a Royal Decree which forbids nationals and establishments of that country from cooperating in enterprises of countries which, before September, 1939, have not participated in whaling.

68. Apart from the moral consequences of this Royal Decree--which need not be judged by us--it seems that this Decree provides measures, which are almost unacceptable, against a member country and which, to make things worse, is on friendly terms with the country concerned.

69. The Netherland Government highly deplores this Decree issued by a friendly nation, and it must be said that it almost seems a handicap to the promotion of proper international cooperation in the field of whaling. In spite of this, the Netherland Government is prepared to cooperate, but it is of the opinion that the existence of this rather unfortunate regulation ought to be brought to the notice of the Conference.

70. It should once more be emphasized that the Netherland Government is eager to solve the technical and economic problems that are associated with whaling; but, on the other hand, it would be appreciated if, once certain regulations have been agreed upon, one of the signatory countries should not take any measure which might make it impossible for another of the other signatory countries to adhere to the International Regulations.

71. Mr. Chairman, I propose that there be added to the agenda a proposal that the Conference agrees that none

of the signatory countries be allowed to take any measure that might work against one of the other signatory countries.

72. Mr. Chairman, I sincerely hope that this Conference may lead to fruitful results, assuring you at the same time that the Netherlands Delegation will do its utmost to achieve the most satisfactory agreement possible.

73. MR. KELLOGG (Chairman): Thank you, Dr. Van Dijk.

74. This proposal is not on the agenda. Does the Conference wish to place the matter on the agenda?

75. (No response)

76. MR. KELLOGG (Chairman): I should state at this time that the United States Delegation does not consider this subject particularly appropriate for consideration at a conservation conference. Nevertheless, a proposal has been made, and we should decide what to do with it. Suppose I just start the round with the delegations now and ask whether or not they wish to place it on the agenda. That is according to our resolution on procedure. Argentina, is there any objection?

77. ARGENTINE DELEGATE: No objection.

78. MR. KELLOGG (Chairman): Australia?

79. AUSTRALIAN DELEGATE: We would like for it to be placed on the agenda.

80. MR. KELLOGG (Chairman): Canada?

81. CANADIAN DELEGATE: No objection.

82. MR. KELLOGG (Chairman): Chile?

83. CHILEAN DELEGATE: No objection.

84. MR. KELLOGG (Chairman): Denmark?

85. DANISH DELEGATE: No objection.

86. MR. KELLOGG (Chairman): The Netherlands have already made their proposal.

87. New Zealand?

88. NEW ZEALAND DELEGATE: No objection.

89. MR. KELLOGG (Chairman): Norway?

90. NORWEGIAN DELEGATE: No objection.

91. MR. KELLOGG (Chairman): Portugal?

92. PORTUGUESE DELEGATE: No objection.

93. MR. KELLOGG (Chairman): United Kingdom?

94. BRITISH DELEGATE: No objection.

95. MR. KELLOGG (Chairman): And the Delegate from the United States?

96. UNITED STATES DELEGATE: No objection.

97. MR. KELLOGG (Chairman): Now, I suppose the simplest way to expedite this matter would be to appoint an ad hoc Committee to discuss the matter and bring in a report, if possible. I think the Netherlands Delegation should make out a formal proposal to be handed to the Technical Secretary for consideration by this Committee.

98. MR. VAN DIJK (Netherlands): Yes, Mr. Chairman.

99. MR. KELLOGG (Chairman): Does the Conference wish me to poll the delegations to see who is to be placed on this Committee, or do you want to leave it to my discretion to pick out four or five of them? What is your wish?

100. MR. DOBSON (U.K.): May I just ask one question. Is the committee you are going to set up going to discuss this matter and bring before the full Conference a resolution which might involve something to be put into the Conference? If that is so, I quite agree. But I would like to make it clear -- I know the Dutch Government feels strongly on this matter -- that I have no instructions on it how I ought to vote if a resolution is moved and carried into the Conference agreement.

101. MR. KELLOGG (Chairman): The same is true for the United States Delegation.

102. MR. DOBSON (U.K.): I expect that the same is true with everybody. I think it ought to go on the agenda.

103. MR. KELLOGG (Chairman): Does Argentina wish to be represented on the Committee?

104. ARGENTINE DELEGATE: (No response)

105. MR. KELLOGG (Chairman): The question is, do you wish representation on that Committee?

106. DELEGATE OF AUSTRALIA: Yes.

107. MR. KELLOGG (Chairman): Canada?

108. DELEGATE OF CANADA: No.

109. MR. KELLOGG (Chairman): Chile?

110. DELEGATE OF CHILE: No.

111. MR. KELLOGG (Chairman): Denmark?

112. DELEGATE OF DENMARK: No.

113. MR. KELLOGG (Chairman): Netherlands? I will leave it to Dr. Van Dijk to appoint whom he wishes on the Committee.

114. MR. KELLOGG (Chairman): New Zealand?

115. DELEGATE OF NEW ZEALAND: No, Mr. Chairman.

116. MR. KELLOGG (Chairman): Norway?

117. DELEGATE OF NORWAY: Yes.

118. MR. KELLOGG (Chairman): You say, "Yes". That is perfectly understandable.

119. Peru?

120. DELEGATE OF PERU: No.

121. MR. KELLOGG (Chairman): United Kingdom?

122. MR. DOBSON (U.K.) Yes.

123. MR. KELLOGG (Chairman): And I suppose the United States wants to be on the Committee.

124. DELEGATE OF THE UNITED STATES: Yes.

125. MR. KELLOGG (Chairman) There will be five countries represented on this Committee. Mr. Chaney, would you read off the countries?

126. MR. CHANEY (Technical Secretary): The countries who have indicated they wish representation on this Committee are Australia, the Netherlands, Norway, the United Kingdom, and the United States.

127. MR. KELLOGG (Chairman): Now, if each of the named delegations will indicate to the Technical Secretary the name of its representative he will determine the place and an hour of meeting. Is that agreeable? (No response)

128. That information should be in the hands of Mr. Chaney, the Technical Secretary, at the end of this particular session.

129. Are there other proposals?

130. MR. DOBSON (U.K.): Mr. Chairman, does the Committee appoint its own Chairman?

131. MR. KELLOGG (Chairman): Yes.

132. MR. DOBSON (U.K.) Or do you nominate the Chairman?

133. MR. KELLOGG (Chairman): In the past, it has been customary for the Committee to elect its own Chairman, and the the Provisional Rules of Procedure, Article 13, states: "Each committee shall designate its own chairman. The Secretary General shall furnish a secretary for each committee.".

134. Were there any other proposals.

135. As I stated this morning, the Secretary assigned to a committee will act as the reporter. Such Secretary will consult with the Chairman and the Members before the report is handed to the Technical Secretary for duplication.

136. May we now take up, to save time--it is getting on toward four--the United States proposals and go through them provisionally to expedite the work of the Conference.

137. The Preamble, as is customary, explains the purposes and the objectives of the Convention. It is intended to serve as a guide to the Commission in performing its functions. The Preamble also points out specifically and primarily that the purpose of this Convention is to develop a sound conservation program which will maintain an adequate and healthy breeding stock. By restoring depleted stocks, as, for instance, the blue whale and the humpbacked whale, and by wise management of the existing stocks a maximum sustained yeild of this natural resource can be assured. That, in a few words, is the general intent of the Preamble.

138. Are there any observations?

139. MR. FLORY (U.S.): In pursuance of the matter that Mr. Dobson raised earlier, I take it that it is the general understanding of this Conference that as we go through the American proposals we are considering substance and intent only and not the form. The form then can be decided upon later and would be a subject of discussion in the drafting committee. Are we agreed that the Preamble is a statement of the principles and the objectives of our conservation program, but does not necessarily represent the terms, in form, of any agreement that we may arrive at?

140. (A long pause ensued.)

141. MR. KELLOGG (Chairman): I suggest that anyone who wants recognition will please raise his hand. Maybe that will expedite things, particularly if you have any points you wish to raise. (Pause)

142. If there is no objection, shall we adopt the Preamble provisionally and go on to the next item.

143. Article I. Except for lines 45, 46, the wording of section (1) of Article I of this Convention is taken from Article II of the 1937 agreement. It provides that the

regulations apply to all commercial whaling operations and to both high seas and territorial waters.

144. Section (2) of Article I is new wording, which prevents the schedule from coming into force too early adn thereby interfering with the 1945 protocol. We can change that if we adopt the new short-term protocol. We can adopt new wording. It provides for continuous applicability of all regulations until amended by the Whaling Commission.

145. MR. THOMSON (U.K.): There is a small point in connection with the last few lines of Article I, first paragraph. In the earlier part of the paragraph we referred to factory ships and whale catchers and to land stations. In the last three lines we referred to all waters in which whaling is prosecuted by such factory ships and/or whale catchers. Admittedly, that is the wording of a previous section; but I think it would be improved if land stations were mentioned there as well, because although the land station is itself either on land or moored in the territorial waters of the powers to which it belongs, it conducts its operations by means of whale catchers in waters outside; and I should suggest that we might amend that slightly by adding land stations and say "is prosecuted by such factory ships, land stations and/or whale catchers attached thereto".

146. MR. KELLOGG (Chairman): I think that suggestion is good, Mr. Thomson, but I wonder if we should not now set up a drafting committee to receive such items and be sure they get into the provisional document. That is, if a proposal is made for alteration that we hand it to the drafting committee and make sure it gets in the Convention. I wonder if that would not simplify the procedure.

147. MR. THOMSON (U.K.) Yes, probably it would.

148. MR. KELLOGG (Chairman): Before we appoint this ad hoc committee to handle drafting, are there any observations as to the substance to Article I as amended by Mr. Thomson?

149. MR. EDWARDS (Chile): Mr. Chairman, I may have some proposals to make with regard to land stations when we come to that subject. Therefore, I would like to make that reservation with regard to the drafting of Article I.

150. MR. KELLOGG (Chairman): Very well, Mr. Edwards. It will be noted. Let us conduct this on an informal basis like we did in the past, and I think we will get along faster than if we try extreme formality. Some of us have been at this since 1930 and are overawed with formal procedure. It is something we have not been accustomed to. If the Conference will agree, let us proceed as fast as we can with as little formality as possible.

151. MR. FLORY (U.S.) Mr. Thomson, I take it that your suggestion did not involve any change of the concept involved in this paragraph 1, but was more in the nature of tightening up the drafting and making sure the same terms and the same wording was used consistently throughout. Is that correct?

152. MR. THOMSON (U.K.): Yes, it was mostly to make sure there was no doubt that land station operations were subject to the provisions of the Convention in the waters outside the territorial waters as well as in respect to the whale catchers attached to the factory ships. It is a clarification rather than an alteration of concept.

153. MR. KELLOGG (Chairman): That being the case, Argentina, do you wish a representative on the Drafting Committee?

154. DELEGATE OF ARGENTINA: No.

155. MR. KELLOGG (Chairman): Australia?

156. DELEGATE OF AUSTRALIA: No.

157. MR. KELLOGG (Chairman): Canada?

158. DELEGATE OF CANADE: No.

159. MR. KELLOGG (Chairman): Chile?

160. DELEGATE OF CHILE: Yes.

161. MR. KELLOGG (Chairman): Denmark?

162. DELEGATE OF DENMARK: Yes.

163. MR. KELLOGG (Chairman): Netherlands?

164. DELEGATE OF NETHERLANDS: Yes.

165. MR. KELLOGG (Chairman): New Zealand?

166. DELEGATE OF NEW ZEALAND: No.

167. MR. KELLOGG (Chairman): Norway?

168. DELEGATE OF NORWAY: Yes.

169. MR. KELLOGG (Chairman): Peru?

170. DELEGATE OF PERU: No.

171. MR. KELLOGG (Chairman): United Kingdom?

172. DELEGATE OF UNITED KINGDOM: Yes. We should have brought with us the Legal Adviser we had with us at the last conference. In view of the distance we are relying on the Legal Adviser of the Embassy here. If there is

no objection, Mr. Thomson would like to have him in attendance when he wants him.

173. MR. KELLOGG (Chairman): I think that would be agreeable. Then, Mr. Chaney, if you would read off the countries desiring representation on the Drafting Committee.

174. MR. CHANEY (Technical Secretary): Chile, Denmark, the Netherlands, Norway, the United Kingdom, and the United States.

175. MR. FLORY (U.S.): I wonder if the United States might have two representatives on the Drafting Committee.

176. MR. KELLOGG (Chairman): If there is no objection. We will also have a legal man there who can advise all members. Let us follow the same procedure, that is, this Committee will meet with the Technical Secretary, Mr. Chaney, at the close of this meeting, arrange for a room and a place and the hour of meeting. Mr. Chaney also will assign a Secretary to the Committee. I think we can expedite the work a good deal in this manner.

177. MR. KELLOGG (Chairman): Let me review briefly Article II, lines 56 to 91. Article II is a new provision to establish a whaling commission of one representative from each contracting government. Under section 2 the commission is given authority to elect its own officers and to determine its own rules of procedure. Decisions must be made in accordance with lines 64 to 68. Under section 3 the commission shall elect from its own membership an executive committee of five. Section 4 states that the expenses of each member shall be determined and paid for by his own government. Section 5 looks toward the integration of this commission with the United Nations Food and Agriculture Organization at such time as the FAO may determine and under the conditions specified in the Annex. See pages 27 to 29 to this Convention. Section 6 provides an alternative method for convening the first meeting of the commission. That, in general, is the substance and intent of Article II.

178. MR. KELLOGG (Chairman): Mr. Dobson.

179. MR. DOBSON (U.K.): I was hoping that one of my other friends or some other delegation would be willing to speak on this matter first, but what I am going to say is a matter which goes rather beyond the stage of drafting. I have just recently received the instructions from His Majesty's Government as to what line the British Delegation is to take with respect to this proposal in general. It is quite obvious that we must have a whaling commission; and indeed if I were authorized to raise any objection to that, everyone would turn on me and say, "You made the suggestion yourself in 1944-45". I agree that the question of the setting up of the commission and the various terms of reference are a matter for the Drafting Committee, but the point I am concerned with is the direct proposal here that

this commission shall forthwith, on the passing of a resolution by FAO, be incorporated within FAO. The instructions which I have received are that we should urge upon the American authorities and on the Conference that the proposal to bring the International Whaling Commission within the framework of the FAO should be deferred pending the outcome of the International Trade Conference. I am afraid I know very little about the International Trade Conference, but I think I made it quite clear that those are my instructions. If it is carried out as I hope it will be, I gather some of the other delegations may have something to say on this. There is no wish on the part of the British Government that this whaling commission should not ultimately be brought within the orbit of, I suppose, the United Nations, but we think it is premature to dot the "i's" and cross the "t's" at this juncture. I thought I should make it clear because it is a point of substance in regard to some of the lines you are considering under this article.

180. MR. FLORY (U.S.) I wonder if it might be helpful for Mr. Hayes of the United States Delegation to elaborate a little bit the intention and thinking of the American Government that lies behind this provision for integration with the FAO.

181. MR. KELLOGG (Chairman): Mr. Hayes.

182. MR. HAYES (U.S.): I gather from Mr. Dobson's comments that one could look upon this proposal in two ways. One is, should the whaling commission be brought into relationship with some agency, such as the proposed ITO or FAO, or, should it have no relationship at all with either one? The second part would be, if it is decided that there should be some such relationship, would it be with ITO or with FAO?

183. The United States Delegation has considered this problem and we feel that the proposed whaling commission should be brought into relationship with an organization of wide responsibilities. That has been recognized by the United Nations organization. We have furthermore considered the question of relating it to the proposed ITO or to the FAO, and we have concluded that the FAO is the Organization whose functions and general responsibilities are more along the line of the interests of this Whaling Conference than are those of the proposed ITO. The ITO is to be set up primarily to deal with questions of commerce, trade, et cetera. The FAO is set up primarily to develop things of an agricultural nature and to take up questions of conservation. This Conference, of course, is dealing primarily with a conservation measure. That being the case, I would like to present to you some of the reasoning that lies behind our proposal:

184. First of all, the responsibilities of the FAO are stated in its Constitution and specifically mentioned are certain duties, functions, and spheres of activities. Careful reading of the Constitution indicates that conservation

of fisheries and whale stocks is one of the functions of the FAO. Furthermore the FAO has the right to prepare and to recommend to governments conventions relating to the orderly exploitation and conservation of whale stocks.

185. The following statements from the Constitution of FAO are relevant to this discussion.

186. "In this constitution the term 'agriculture' and its derivatives include fisheries, marine products, forestry, and primary forestry products." That is Article XVI.

187. "The conference may by a two-thirds majority of the votes cast submit conventions concerning questions related to food and agriculture to Member nations for consideration with a view to their acceptance by the appropriate constitutional procedure." That is Article XIV, paragraph 3.

188. "The Organization shall promote and, where appropriate, shall recommend national and international action with respect to...the conservation of natural resources and the adoption of improved methods of agricultural production." That is an excerpt from Article I, paragraph 2.

189. "The Conference may approve arrangments placing other public international organizations dealing with the questions relating to food and agriculture under the general authority of the Organization on such terms as may be agreed with the competent authorities of the Organization concerned." That is Article XIV.

190. "The Director-General may, subject to any decisions of the Conference, enter into agreements with other public international organizations for the maintenance of common services, for common arrangements in regard to recruitment, training, conditions of service, and other related matters, and for interchanges of staff." That is Article XII, paragraph 2.

191. In a recent statement to the United Nations Economic and Social Council the FAO, in discussing its relationship to the International Court of Justice said, "International conventions for the regulation of fisheries, either to avoid disputes or to promote the conservation of marine resources, are also important and fall within the terms of reference of FAO.".

192. The second point that I would make is this--The fact of the recognition of the position of FAO by the United Nations organization. United Nations has already negotiated an agreement with FAO recognizing the latter organization as being primarily responsible for the functions listed in the charter of United Nations. The United Nations has thus recognized the preeminence of FAO in this field.

193. Point number three is, it seems to me, that sound administrative practice would avoid euplication of functions as between organizations. Sound administrative and financial practice supports the view that there should be appropriate integration of small international organizations having limited functions with larger organizations having wide responsibilities.

194. At this point I would mention that at meetings of the United Nations during the last few months representatives of a number of the governments who are represented here today have taken very strong stands in regard to the question of multiplication of international agencies and the duplication of their functions. I might say that is true of the Delegates of the British, Norwegian, Netherland, and French Governments in a most outstanding way. If I am not mistaken, the Representatives of the Norwegian Government particularly have been most outspoken before recent meetings of the Economic and Social Council and of the General Assembly in regard to the matter of the duplication of the functions and the multiplication of international agencies. I have several quotations here from the comments of the Minister of Foreign Affairs of Norway before the General Assembly.

195. The question would arise, of course, for this Conference, in considering the suggested relationship of the Commission to the FAO, as to what is to be gained and whay may be lost, in other words, the question of the independence and autonomy of the proposed commission. I would like to point out that the American proposal protects the independence and autonomy of the Commission. The proposed commission would receive its power and its responsibilities from this convention and not from the FAO. In the exercise of its power, the commission would be responsible to the signatories of the convention and not to the FAO. FAO would have no power to absorb within itself the functions and responsibilities of the commission. Such powers and responsibilities would remain with the commission. The FAO would have no power to alter the relationship of the commission to the FAO in any way which would be inconsistent with this convention.

196. Some of the advantages, it seems to me, to the commission in the proposed relationship would be: (1) the impact and the influence of the commission on world thinking relative to whale conservation would be much greater than if the commission stood alone; (2) the commission would have at its command avenues of approach to most of the countries of the world and not merely to those who are signatories to the convention; (3) the commission would have an adequate system of financing without resorting to special requests to member governments and special appropriations from such governments; (4) the commission would have an automatic contact with the Economic

and Social Council of the United Nations, which at times could be very useful.

197. The advantages to the FAO in this relationship would probably expand FAO's work in other aspects of fisheries and thus assist FAO in its development, and the interest of the government in the fishery aspects of FAO's program undoubtedly would be increased.

198. There is another question, of course, which will arise in our discussions in regard to this proposal--particularly, in the minds of those countries such as the United Kingdom and Norway that are outstanding leaders in the field of whaling and to whom the whaling industry means a great deal--that is the problem of the headquarters of the Commission. The United States Delegation recognizes the great interest of such countries in this question, and it would seem reasonable that the commission headquarters should be established in some relative proximity to the countries with important whaling interests. In line with this the United States Delegation would point out that the FAO will establish a European Regional Headquarters. It would seem reasonable that the commission should establish itself at such Headquarters if it so desires. Pending the actual establishment of the FAO, an arrangement could be made with FAO for certain persons who will be detailed by FAO to service the commission and to spend most of their time in Europe, not in Washington or New York City.

199. You will notice from reading paragraph 5 of the Annex, which is a proposed resolution to be submitted to FAO for adoption, that the type of thing we are getting at primarily is an administrative servicing agency. The FAO would be that--it would not have control over the functions of the commission; it would not make the commission subordinate to itself. The commission would be highly autonomous, but would come under what we would call the canopy of FAO and not under its detailed supervision or jurisdiction.

200. MR. KELLOGG (Chairman): May I request that those who read from prepared manuscripts deposit a copy of the same with the court reporters at the conclusion of their statement, or as soon thereafter as possible.

201. MR. FLORY (U.S.): Mr. Hayes, I wonder if it would be possible to provide the Members of this Conference with copies of the FAO Constitution, and any other material that might be pertinent in this connection?

202. MR. HAYES (U.S.): Copies of the FAO Constitution are in Room 1123; I think there are a hundred copies that are available to the Members of the Conference. I would also point out that copies of the comments I have just made will be available to you. It is my thought that a number of the Members of the Delegations would like to have these comments, and perhaps would desire to take them to their governments, with the objective of securing the views of their governments at home before the end of this Conference.

203. MR. KELLOGG (Chairman): Professor Bergersen?

204. MR. BERGERSEN (Norway): I have a very small reservation to make. Before I left Oslo, I had no opportunity to consult with my Government on this matter; therefore, I wish to consult with my Government and bring my instructions up to date concerning this point. I do not think that this will delay the work of this Conference as I will communicate with my Government as soon as possible.

205. MR. KELLOGG (Chairman): Thank you, Professor Bergersen. The reason we stated we were considering this document provisionally at this time. We realize that certain Governments have not had instructions to cover this point.

206. MR. DOBSON (U.K.): I am sorry to be talking so much, but, in view of the fact that I raised a point on this, I would like to thank Mr. Hayes for his very clear account of the powers, duties, and objectives of the FAO, with which I do not think I am in a position to disagree on any point. But I think that Mr. Van Dijk of the Netherlands and Mr. Erichsen of Denmark will bear me out that at the FAO Conference at Copenhagen last September, I worked night and day to endeavor to get fisheries put on the agenda. I use these words advisedly, as we were completely swamped with agriculture problems and were not able to find time to deal with fishery problems; my colleagues will bear me out in this. But I did nothing to suggest that the British Government in any way is not subscribing as fully to FAO as is the United States. All I want to do is to make quite clear was that my instructions are that we should do our utmost to prevent any action's being precipitated by a particular form of words at this Convention which might lead to embarrassment, owing to its prematureness.

207. There is just one other point I would like to add that may possibly have some opposition on the part of Mr. Bergersen. The British Government feels that until the organization is brought within the orbit of FAO the British Government should continue to be responsible for whatever commission may be set up, and that the transference, therefore, of the responsibility from Europe to an agency of the United States, should not be precipitated in that way; also I want to make clear at this point what my instructions are, so that they could be acceded to by a draft. They might even mean eliminating the annex which sets out the resolution by FAO. I am thinking of drafting in the point that I am raising, although a personal principle is behind.

208. MR. KELLOGG (Chairman): Thank you, Mr. Dobson.

209. MR. HAYES (U.S.): I have heard some rumblings about the position that fisheries had at the Copenhagen Conference, and it is for that reason that our proposals are set forth as they are. Logically speaking, I presume one should have argued that no international body should be set up as an autonomous or relatively independent agency and that the FAO should set up a department or division within its organization and be told to get going in the field of whaling. However that argument, I am sure, would be very hard to swallow--particularly by those who are much interested in fisheries and whaling. Therefore these proposals are put forward in such a way as to retain to a very high degree the independence and autonomy of the Commission, and we look to the FAO as a servicing agency.

210. MR. KELLOGG (Chairman): Thank you, Mr. Hayes. Do any of the other delegates wish to comment on this point? Dr. Van Dijk?

211. MR. VAN DIJK (Netherlands): Mr. Chairman, when we arrived here in Washington we got those very fine papers; therefore we couldn't study them before we arrived here, and, just as the Delegates from the United Kingdom and Norway, we are not able to discuss this question before we have consulted our Government regarding the relationship of this Commission with FAO. But I think we might say this--I have been so lucky to attend the meetings of FAO in Quebec and Copenhagen and as I understood in those meetings, and also have seen in resolutions made by the Fisheries Committee of FAO, FAO should emphasize the cooperation of FAO and several international organizations. However I have never seen anything that would indicate that FAO should in any way incorporate one or more international organizations. When I see now the text of this draft convention I think it goes rather in the direction that FAO would be the major organization and that this Commission would be an agency and, Mr. Chairman, I think that is not the case. There is an existing international whaling organization as you call it. I think that the FAO cooperates only with an international organization. FAO likes to cooperate with such international organizations as the International Council for the Exploration of the Sea, but that does not mean that the Secretariat of the International Council for the Exploration of the Sea would be just the same as the secretariat of the Division of Fisheries of the FAO.

212. Therefore, Mr. Chairman, I should like to ask you to give us more time to consider this particular Article, and I should like to draw the attention of the Conference to the fact that in our opinion the functions of FAO are not executive--FAO only has also advisory functions.

213. MR. KELLOGG (Chairman): Thank you, Dr. Van Dijk.

214. MR. HAYES (U.S.): I don't know that I need to comment further on this. I might add, however, that FAO has the right under its constitution to recommend to its Signatory Governments any sort of convention which would carry out the general purposes of the FAO and that such a convention could contain more than merely advisory powers. It is quite possible that the FAO could have recommended the very convention that we now have before us for study. There is no reason why it could not do so. There is no reason why FAO should not interest itself immediately and fully in the field of whaling or fisheries except with respect to the regulatory powers, which we anticipate will be given to this Commission. However, the FAO could propose to its Member Governments a convention which would give to the FAO regulatory powers in the field of whaling. There is no reason why it could not do that.

215. It seems to me that the question that we have before us, and it is a very fine point, is not one of the Commission becoming a subservient agency. The Commission would be highly independent. I assume that as time goes on the FAO might actually look to the Commission for guidance on anything concerning whaling and that the Commission actually would become, in the eyes of the FAO, the most independent of agencies; and the FAO would actually retire, in effect, from the field of whaling or at least not exert its undoubted rights and prerogatives in the field of whaling.

216. The proposals that we have put before you do not anticipate that the Commission shall merely become an agency to carry out some program that the FAO may develop or decide upon. As I pointed out a little while ago, what we have in mind is merely that the FAO should service the Commission. The language that we have used in developing this point seems to carry more than that; in actual practice it would not. But, because of the fact that the FAO contribution has given it a particular field of interest which should not be taken away by our action, it seemed to me that we must recognize the authority of FAO in this field. And we do that by merely making this commission a very autonomous unit within FAO that derives its own powers from the convention, which we propose to develop here, not in the FAO.

217. MR. KELLOGG (Chairman): Thank you, Mr. Hayes.

218. MR. POWLES (New Zealand): Mr. Chairman.

219. MR. KELLOGG (Chairman): Mr. Powles.

220. MR. POWLES (New Zealand): Mr. Chairman, with very great respect, I would like to suggest that perhaps the Conference might be getting into the state of trying to place the cart before the horse. I notice that Item 1 on the Draft Agenda, which we adopted this morning, is the development of a code of regulations relating to the industry, et cetera, and I do suggest that the first task to be done by the Conference is to develop that Code of Regulations, whether by way of codification of what has gone before or not. But discussion of what is entirely new matter might very conceivably be left over until a later stage. It does seem to me that, particularly in view of the fact that a number of delegates have said they are without instructions from their governments and that exactly what does happen to the international organization relating to whaling is, when all is said and done, a secondary consideration compared with the actual rules and regulations which this Conference is to codify, we should proceed with the main, primary problem, which must be found, I suggest, not in these first paragraphs of the United States draft, but in the schedule to the United States draft, together with those later paragraphs in the United States draft which do actually codify the previous agreements.

221. MR. KELLOGG (Chairman): Thank you, Colonel Powles.

222. MR. FLORY (U.S.): I believe we are in full agreement with that observation. My understanding was that this first examination of the entire document would be more or less in the nature of orientation in order to avoid long delays at the end of the Conference while the various delegates are obtaining instructions on certain points. It was our hope that by going through the document first it would be possible to point up those issues on which possibly some of the delegations would need further instructions and thereby actually facilitate the work of the Conference so that we could have a meeting of the minds at the earliest possible date. I don't believe it was the intention here of coming to any conclusions with respect to FAO or the establishment of the Commission at this time but, rather, to have a general exploration of and a provisional discussion of the points at issue in order that we could come back to them later when we are prepared to accept definitive positions on each one of the points.

223. MR. KELLOGG (Chairman): Thank you, Dr. Flory. Does that meet with your idea of things, Colonel Powles?

224. MR. POWLES (New Zealand): Well, I was merely offering a suggestion, Mr. Chairman. I wasn't quite clear as to what we were doing. We did adopt an Agenda this morning but I notice we have really been discussing Item 2 on it instead of Item 1.

225. MR. KELLOGG (Chairman): A provisional discussion, as Dr. Flory has pointed out, to lay the document before you and later to discuss definitive terms was the only idea that we had in mind. We thought in that method we could expedite the consideration. That being the case, shall we go on to

Article III? But, before we proceed with Article III, I understand that Axel Hemmar of Sweden has now joined the Conference and, if so, would he please rise. (Mr. Hemmar rose.)

226. MR. KELLOGG (Chairman): Article III, lines 92 to 113. Article III is new to these whaling agreements but is similar to provisions in recent international fisheries agreements and proposals. The Commission is to have responsibility for planning and recommending research on whales and whaling but not for undertaking field or laboratory investigation. It is believed that this will provide coordination of research programs and investigation in fields not adequately covered, minimize duplication of functions, and avoid the establishment of separate and duplicating research facilities by the Commission. The Commission has direct responsibility for receiving and analyzing statistical and biological information and for the publication of materials relating to whales and whaling.

227. It is recognized that the Commission will, in so far as possible, avoid any duplication of functions with governments of other agencies and bodies.

228. MR. DOBSON (U.K.) Mr. Chairman, may I say a word on that. I would throw out a warning at the opening words, "The Commission shall plan and recommend". This is a very wide power. They may recommend, but I would only just mention that if you take the example of the International Council of the Exploration of the Seas, which covers a great many European nations, but simply coordinates. I think coordinate is a better word. This Commission might possibly run two individual organizations who are already planning. It is a drafting point, but I mention it now without any idea of raising discussion on it.

229. The same applies to statistics which are already covered not only by previous agreements but are covered by an Act of Parliament so far as we are concerned. I think the Act puts the obligation of collecting statistics on the International Bureau.

230. MR. KELLOGG (Chairman): Mr. Flory.

231. MR. FLORY (U.S.): I believe the connotation of the word "recommend" may have somewhat stronger meaning in the United Kingdom than it does in the United States. The idea behind the draft here was that you would have some kind of body to keep in touch with research developments throughout the world and make observations concerning the areas that may not be given sufficient attention and call that to the specific attention of certain governments suggesting for the broadening of scope of their investigations, et cetera.

232. MR. DOBSON (U.K.): It would be like the International Council.

233. MR. KELLOGG (Chairman): Thank you, Dr. Flory. Were there any other comments on this Article?

234. MR. KELLOGG (Chairman): Dr. Van Dijk.

235. MR. VAN DIJK (Netherlands): Mr. Chairman, I have several thoughts, but I do not think that it is necessary or efficient to call them to your attention just now. May we agree on something? Perhaps it is necessary to call for comment. Otherwise, I really cannot see what we have to do then.

236. MR. KELLOGG (Chairman): The purpose of this provisional discussion is to raise any matters of substantive changes which we may wish to consider in the interim before we come up to any definitive decisions. That is the purpose of this preliminary discussion.

237. Professor Bergersen.

238. MR. BERGERSEN (Norway): Mr. Chairman, I think that is what the Drafting Committee has to consider. I do not think it is necessary to go into detail.

239. MR. KELLOGG (Chairman): Thank you, Professor Bergersen.

240. Dr. Van Dijk.

241. MR. VAN DIJK (Netherlands): Mr. Chairman, what you want now to discuss in principle is the necessity that there should be established a commission. As I have seen here the commission will have all the powers. Let me say until this morning a proposal the International Whaling Conference has those powers. Now, I cannot see why we should set up just a commission. Do you, in other words, want the Whaling Conference to consider it? Then I quite agree, but this commission only provides in having one delegate from each country in its commission. I heard this morning from Dr. Flory that also other observers of the various countries who have one delegate as representative in the commission can attend the meetings of this commission.

242. That is, Mr. Chairman, why I should be very much obliged if you could explain to me why you have come to the idea just of a commission instead of a Conference.

243. MR. KELLOGG (Chairman): Dr. Flory.

244. MR. FLORY (U.S.): One of the principal reasons for the idea of a commission was that we would thereby get the regulation on a permanent and continuing basis with readily established machinery whereby any proposals could be made by any of the governments at any time, whereby the commission would keep abreast of all the biological and technical information that may be current. In other words, so that some continuing organization can keep a finger on the pulse of whaling and would be prepared to step in at any time to take official cognizance of any measures which may be necessary in order to assure a smooth running regulation for the purposes which have been set forth in the Preamble.

245. As it stands now, each individual government, more or less without organization, is responsible for bringing to the attention of the other governments any questions that may arise and necessitating this kind of full and formal, I will call it, Diplomatic Conference.

246. Essentially, I think, we are agreed in terms on the principles and objectives of whaling conservation, and consequently the questions of detailed regulations are more or less a technical question which might very well be handled by a less formal gathering than we have here today.

247. The provision in the American draft for one member was not at all dictated by the idea that there is only one good man on whaling from each government, but rather that you would have one formal representative from each government who will be, on a continuing basis, responsible for keeping current all whaling data, et cetera, and the conservation needs. At any meeting of the commission it would be understood that such member would be entitled to bring any technical representatives along with him that he may feel necessary in order to perform his job.

248. Really, the idea behind the establishment of a commission was to facilitate the regulation of whaling and to put it on a permanent basis without the necessity of going through the diplomatic formal procedures that we have had in the past.

249. MR. KELLOGG (Chairman): Mr. Thomson.

250. MR. THOMSON (U.K.): If I understand the American proposals correctly I think there is another advantage in the commission which possibly Dr. Flory has not entirely cleared up and that is that by setting up a commission instead of a conference you can make certain alterations of a minor character in the whaling agreements and regulations which would not have to go through all the formality of ratification, which at present is an action which has delayed a good deal of the whaling regulation.

251. I do not know whether I am correct in this, but that, I understood was at the basis of the American proposal, and it was certainly in front of us when we put forward a somewhat similar suggestion in 1945. It would be a method of speeding up any small amendments which might come up as become necessary after whaling seasons.

252. MR. KELLOGG (Chairman): You are quite right, Mr. Thomson. That was behind our proposals.

253. MR. VAN DIJK (Netherlands): I can see what Mr. Thomson tells us, but then I cannot understand how any Government can accept that a commission could make alterations which conflict with the principles of the Convention. I should only like to see an executive commission, or whatever you call it, that can only have certain powers in the area on minor points, such as the extension of the whaling season

or other questions by this commission. The power of the commission goes so far that I think it will conflict also with the principles of the Conventions and then ratification by the various governments is, in my opinion, Mr. Chairman, necessary.

254. MR. KELLOGG (Chairman): Thank you, Dr. Van Dijk.

255. Dr. Gabrielson.

256. DR. GABRIELSON (U.S.): I might clear up some points in this because the United States Government is one of the governments that has engaged in this kind of commission in prior years. We have two treaties, fishery treaties, that do exactly what we are proposing to do in this agreement. The International Fisheries Commission, which you have all heard of, is composed of members appointed by the Governments of the two countries signatories to that Convention, and the men from the two countries actually draft the changes in the regulations and by agreement produce such changes in the regulations as are deemed necessary from a biological basis.

257. The only further action that is needed to make the regulations effective is signature by the President of the United States and of the Governor General, I believe, of Canada. I do not recall a single instance in which either one of them have refused to sign the agreements that were made by the delegates appointed to this Commission.

258. After all, the questions that they are deciding in these commissions are how far we can go in taking fish from this stock without depleting stock and what we must do further to build it up if we see signs of depletion. The only difference, I think, between the essence of this proposal and that one, which has certainly worked very successfully for the two countries that are concerned, is that in case of the International Fisheries Commission it has its own investigative staff.

259. It has been the feeling of the Americans who were concerned in the work of that Commission that we were getting, as far as the United States was concerned at least, pretty far into the field of setting up too many research organizations, so that in drafting this proposal we tried to safeguard it against the setting up of another organization for which we would have to request appropriations for research work. We tried to draft this proposal in such a way as to leave the carrying on of research to the existing organizations or to any new research group that any government cared to sponsor in any part of the whaling industry. While theoretically it may be hard to understand how a government might delegate this authority, I can assure you it works very well in practice.

260. MR. KELLOGG (Chairman): Thank you, Dr. Gabrielson.

261. Are there any other comments on this Article. If not, let us consider Article IV. Article IV is a new provision. Section 1 gives the Commission the power to amend the regulations and is similar to those in International Fisheries Agreements. Section 2 sets forth the criteria to be used by the Commission in formulating amendments. This is a guide to the Commission when framing amendments to existing regulations or when framing new regulations. Criteria (a) states in substance that the objective is conservation and development of the whaling fisheries. Criteria (b), that geographical and other scientific evidence shall be the primary criteria. Criteria (c), that the regulations shall not restrict the number and nationality of factories or land stations. Criteria (d), that conclusions reached on the basis of geographical and scientific information alone must be developed by a reference to contemporary world requirements for fats and oils and to the impracticability for regulations that propose abrupt curtailment of production. The United States Government has taken the position that such allocation is not in the interest of free and competitive enterprise and it is not necessary to the conservation of whaling resources. Section 3, lines 138 to 154, provides that amendments to the regulations adopted by the Commission are to be binding on the contracting governments but that any government may declare that any amendment shall not apply to it. If there is such declaration, other governments are given the opportunity to make similar declarations. However all such declarations must be made before the amendment goes into effect.

262. Now the general intent of this was should any regulation be binding on any government without its active consent? Section 4 states that no amendment shall be effective before June 30, 1948 and this was specifically put in because the regulations for the 1946-47 Antarctic season have been taken care of in the 1945 protocol. That wording is only a matter of drafting.

263. MR. DOBSON (U.K.): Mr. Chairman, I only want to make two comments on this which may help the other delegates. I am not sure this is a matter for the Drafting Committee. I am not sure the powers given to the Commission do not go further than some of the delegates around this table would wish to see them go. That is a matter for discussion but we feel in the British Delegation that when you come to clause 3, item c you find the idea of an amendment becoming effective in the case of some governments and ineffective in the case of some other governments. I know something of that principle, as it was introduced as a temporary measure in connection with 1945-46 whaling season, but I think it is a vicious principle and might well lead to some of the governments finding themselves saddled with a regulation which they did not like. I think that would be disastrous. Therefore, we reserve our position certainly as respects item c. As you say, Mr. Chairman, the final paragraph 4 is merely a drafting one. If the

British suggestion about 1947-48 is agreed upon that would have to be altered. That is all I want to say.

264. MR. KELLOGG (Chairman): Thank you, Mr. Dobson.

265. MR. KELLOGG (Chairman): Mr. Flory.

266. MR. FLORY (U.S.): With respect to the possibility mentioned by Mr. Dobson of the nations being saddled by a regulation which they did not like, it was our feeling this was a decided improvement over the present set-up whereby if any nation objects to any one regulation its only recourse is to denounce the entire Agreement or to swallow the regulation. The present drafting, of course, was a compromise measure. We felt, following in general the principles of denunciation of entire agreements that were incorporated in the 1937 Agreement whereby any nation that announces its intention to denounce could thereby be followed by other denunciations. As envisioned in actual practice it was our thought that the Commission in formulating any amendments would know pretty well whether all of the various governments were in complete accord on the amendment. However, if something should be amiss, each of the governments would be in a position to withdraw and consent to an amendment as it appeared that all of the governments were not willing to go along with a common decision of the Commission.

267. MR. KELLOGG (Chairman): Thank you, Dr. Flory. Mr. Voss of Norway.

268. MR. VOSS (Norway): In my opinion the United States proposal is objective and I think that the Norwegian delegation will support it along those lines.

269. MR. KELLOGG (Chairman): Thank you, Mr. Voss.

270. MR. KELLOGG (Chairman): Mr. Van Dijk, do you have anything to say on this?

271. MR. VAN DIJK (Netherlands) Only this, now that you have asked me, I agree with the comments of the United Kingdom.

272. MR. KELLOGG (Chairman): Thank you, Dr. Van Dijk.

273. MR. KELLOGG (Chairman): Are there any other delegates who wish to comment on Article IV? If not, suppose we go on to Article V. It is also new, but it is similar to those included in recent fisheries agreements. This Article will enable the Commission to take official cognizance of governmental action or inaction which affects whales or whaling and of matters on which the Commission is unable to, or does not wish to, regulate.

274. Do any of the delegations care to comment on Article V?

275. If there are no comments on Article V, we will now consider Article VI.

276. MR. DOBSON (U.K.): Mr. Chairman, I wonder whether I might ask your kindness on a small matter? I don't want to miss the post, so to speak, but it may be appropriate just to raise it now between 5 and 6 p.m. I am not sure it hasn't been already touched upon by Mr. Van Dijk, but we are very interested in a proposal which was made by the United States Delegation at the 1945 Conference with regard to the sale, loan, or delivery of vessels, equipment, or supplies designed especially for whaling operations to countries who are not parties to the Agreement. You will remember the point, Mr. Chairman, which was one of considerable substance, and we decided to express our views in paragraph 4, or resolution 4, of the Final Act. You will remember it was not possible to give any legal effect to that in the convention because of the difficulties that the British Delegation certainly found because they couldn't commit the British Government to legislation, which would be necessary, because of the complete jam in Great Britain's legislative program.

277. Mr. Chairman, I don't want to be out of order, but I would just like to give notice now and ask your kindness. I may raise that point later, but I wanted to also raise it this evening. I am not in a position to say anything at the moment because I have had to telegraph for instructions from my Government, but I thought it would be kind to the United States Department of State if I asked you whether I might raise that point which, normally, I should do at some appropriate time, with the idea of introducing a new article if those are the instructions I get from my government. But as long as I may raise that later I don't want to take up your time now. I will confer the honor to you.

278. MR. FLORY (U.S.): Mr. Chairman, I would like to say now, in connection with that point, that the United States Delegation gave that question very serious consideration in the drafting of this agreement. Last year we proposed very strongly that that be incorporated in the agreement, but, with somewhat more mature consideration, we believe, or came to the conclusion, that in the preparation of this document, economic sanctions of this nature, while possibly

appropriate for the short-run agreements, the year-to-year agreements which we have had in the past might be quite inappropriate in a longer-range agreement, and, buttressed by a continuing mechanism, it might very well be appropriate to eliminate the question of economic sanctions at this point and resort to the usual procedure of using persuasion and such diplomatic representation as may be necessary in order to get any refractory governments to concede the principles set forth in the agreement.

279. MR. KELLOGG (Chairman): Thank you, Dr. Flory.

280. MR. DOBSON (U.K.): I will await my instructions.

281. MR. KELLOGG (Chairman): Were there any further comments that the delegations care to make on Article V? I note that the clock is approaching the time when we should adjourn in order to attend the reception, and, inasmuch as Article VI is taken largely from articles in previous Agreements, with the permission of the Conference, I propose we let that go over until we come to the consideration of this proposal again.

282. I would like to request that the members of each of those committees meet with the Technical Secretary at the close of this session and arrange for the time and place of the meetings. Let us not forget that.

283. Unless there is objection, I propose that we adjourn the present session and proceed to the reception. That will give us all ample time to reach the Mayflower. The reception will be held in the East Room. The Mayflower Hotel is located on Connecticut Avenue, I believe, between L and M.

284. We will meet tomorrow at 10 a.m. in this room in accordance with the proposals we made this morning.

285. (The meeting adjourned at 5:20 p.m.)

DONALD J. CHANEY
Technical Secretary

- END -

RESTRICTED
Corrigendum
IWC/14

November 22, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM

Minutes of Second Session

November 20, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 8

60. MR. VAN DIJK (Netherlands): Mr. Chairman and Gentlemen: After receiving the invitation to attend an International Conference for the Regulation of Whaling, on which occasion a simplification of the Regulations, determined already at several international meetings, would be discussed the Netherlands Government felt anxious to accept.

61. Whaling is of paramount importance to mankind; the many products which can be extracted from whales are of course so well-known to you that it may be considered superfluous for me to enter into details with regard to this subject. However, I especially want to draw your attention to the fact that the world fat situation is largely dependent on successful whaling. One of the things that is of the utmost concern to may governments is the world fat situation.

62. Before the recent war, undernourishment existed already in many parts of the world, that is to say, the diets consumed there were much below the standard required for good health. Under the present circumstances the people's concern with every-day food problems has become more intensive. Not only in those countries, where famine prevailed already before the war, but also in countries, which formerly were considered to have high nutrition standards.

63. The scarcity of food must primarily be ascribed to the fact that the production of many basic foodstuffs did not keep pace with the needs. Moreover, international relations had not sufficiently developed, a fact which caused a scarcity of foreign currency so that it was impossible for the people to purchase the foodstuffs they could not possibly dispense with.

(3 pages)

64. It would appear to the Netherlands Government that all regulationswith regard to whaling have to be discussed also in the light of the present world food situation.

65. If we review the world food situation, the shortages of fats are found to be most alarming. These shortages can to a considerable extent be eliminated through proper whaling which implies that adequate consideration should be given to the conservation of a certain stock of whales so as to prevent the fat situation from becoming serious again in the near future.

66. The Netherlands Government, therefore, are very happy indeed that a Dutch shipping company has succeeded in obtaining a ship equipped again for whaling purposes. The Netherlands which are to such a degree associated with the sea that it may be said that the existence of almost every Dutchman is somehow connected with it, think fit to take an active part in whaling operations again, just as they have done in the past. It is no doubt worthwhile mentioning here that the initiative, which was once more taken by the Netherlands and which resulted in the launching of an expedition this year, has been received with enthusiasm by the whole population of the Netherlands. People are fully aware of the fact that this enterprise will lead to an improvement of the fat situation, which is, in the Netherlands, too, very unfavorable.

66a. The late war has to a great extent reduced our country to poverty and only with the utmost exertion and strictest economy shall we succeed in healing the wounds that are inflicted upon it. The scarcity of foreign currency that makes itself felt in many other countries is in the Netherlands too, very great. As, for instance, for the purchase of feeding grains and fats, we are entirely dependent on foreign currency; it is clear that the fat situation in our country has very much deteriorated and will continue to do so during the coming years unless this deterioration will be checked in a way which requires a relatively small amount of foreign currency. As the Netherlands depend on the development of their own whaling activities, the initiative was put into practice in the course of the years 1945-46 and therefore the Netherlands Government have agreed to the Regulations determined at the recent Conference which in particular aim at the conservation of a certain stock of whales.

66b. It was quite a privilege for the Netherlands Government to be invited to sign the Regulations and in this way to cooperate in the international measures that were thought desirable. It was, however, taken for granted that they would be considered as an equal partner.

66c. Was it not resolved at the conference of November 1945 in London that only those countries which had become party to the International Agreement would be allowed to sell whaling equipment to each other but that it would not be possible to sell this equipment to outsiders?

66d. In taking these and many other measures, the Netherlands have cooperated in mutual understanding and are indeed prepared to do so in future.

67. The Netherlands, however, were highly astonished at learning that one of the countries which plays an important part in whaling and which also has signed the International Agreement for the Regulation of Whales, a country which is, just as the Netherlands themselves, a full partner within the framework of this agreement, has thought fit to issue a Royal Decree which forbids nationals and establishments of that country to cooperate in enterprises of countries which before September 1939 have not participated in whaling.

Apart from the moral consequences of this Royal Decree, which need not be judged by us, it seems that this Decree provides measures which are almost unacceptable, against a member country, which to make things worse, is on friendly terms with the country concerned.

69. The Netherlands Government highly deplore this Decree issued by a friendly nation, and it must be said that it almost seems a handicap to the promotion of proper international cooperation in the field of whaling. In spite of this, the Netherlands Government are prepared to cooperate, but they are of opinion that the existence of this rather unfortunate regulation ought to be brought to the notice of the Conference.

70. It should once more be emphasized that the Netherlands Government are eager to solve the technical and economic problems that are associated with whaling, but on the other hand, it would be appreciated if, once certain regulations have been agreed upon, one of the signatory countries should not take any measure which might make it impossible for another of the signatory countries to adhere to the International Regulations.

71. Mr. Chairman I propose that to the agenda should be added a point in order that the Conference can agree that none of the signatory countries is allowed to take any measure that might work against one of the other signatory countries.

72 Mr. Chairman I sincerely hope that this Conference may lead to fruitful results, assuring you at the same time that the Netherlands Delegation will do its utmost to achieve the most satisfactory agreement possible.

- END -

RESTRICTED
IWC/20

November 21, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE THIRD SESSION

TIME: Thursday, November 21, 1946, 10:25 a.m.

PLACE: Main Conference Room

1. CHAIRMAN: The Conference will please come to order. It is now my pleasure to introduce the new arrivals. When your name is called will you please stand. Mr. Anziani, Mr. Budker, and Mr. Le Gall. There was a name omitted yesterday from the New Zealand list, Mr. Hawthorne of the New Zealand Legation.

2. I wish to repeat again that when you wish to speak, please hold up your hand and remain seated. Speak into the microphone or pull it near enough to you so that it will carry your voice.

3. Pending the receipt and the examination of the Soviet and Brazilian credentials and full powers, I suggest the indulgence of the Conference so that these Delegations may be seated and participate in the work Conference in the same manner that was recommended for the Australian Delegation by the Credentials Committee yesterday. I should state at this moment that these Delegations have not as yet arrived. It is just a matter of procedure. If there is no objection, we will follow the same practice as yesterday.

4. The minutes of the Second Session have now been mimeographed and the minutes of the Opening Session have already been distributed to the Delegations. If any Delegation wishes to suggest any corrections, they can be put up to the Conference. If accepted, the corrections will be made by the addenda to the minutes. So please examine the proceedings of yesterday's session. You have before you Conference Documents IWC/8, 9, 10, 11, 12, 13, and 15. IWC/14 has not as yet been duplicated.

5. I should announce at this time that through the generosity of the Norwegian Delegation we will be privileged to see the showing of a whaling film this evening at 8 o'clock in this room. Some of you may have heard the broadcast this morning in which it was suggested that some of the members of the Conference might wish to go to the Smithsonian and see what the cast of

(18 pages)

a whale looks like, but I think that seeing this movie would be even better. You will see a film of actual operations on the whaling grounds. Thank you, Professor Bergersen.

6. Is there any new business to be considered before we commence the continued review of the proposals that we were engaged in yesterday? If not, I propose to commence with Article VI. I believe we completed Article V at yesterday's session. Article VI is taken from Articles I and XIII of the 1937 agreement, with some changes. Section 1 of Article VI, lines 161 to 166 is taken from Article 1 of the 1937 agreement.. In lines 167 to 170, under paragraph "a", two inspectors instead of one are required for all factory ships. That matter was discussed at some length at the 1945 Conference as well as at previous ones, particularly the 1939 Conference. At that time a subcommittee was instructed to come in with the report at the next Conference, but the war intervened and I do not know what happened to that particular committee.

7. The matter of appointment and pay of the inspectors in lines 170 to 172 is taken in part from the last part of Article I of the 1937 agreement. In lines 173 to 177 adequate inspection is indicated for land stations. This is in accord with the remarks of Chairman Maurice when the 1937 agreement was before the Conference.

8. The wording of section 2 of Article VI, lines 178 to 182 is taken from Article III of the 1937 agreement. Paragraph (a), section 3, Article VI, lines 183 to 187, comes from the last part of Article XIII of the 1937 agreement. It should be noted now that the first half of Article XIII of the 1937 agreement has been transferred to the Schedule, lines 111 to 118.

9. With reference to paragraph (b) of section 3 of Article VI--that is, the uniform penalty or forfeiture provisions involving the proceeds from illegal whales--that now becomes an established method of procedure, if accepted. I may state that the substance of this provision is in conformity with the statutory provisions of the United States. This is also a matter that was discussed at some length at the 1939 conference. Reference was also made to some such provision at preceding conferences. If this paragraph meets with the approval of the Conference, the penalties for infractions imposed by all contracting governments will be uniform in their severity. This provision may require new domestic legislation in some countries.. Therefore, in an effort to avoid undue delays in the ratification by such governments, Article X, section 5, Paragraph (b), lines 261 to 264 of these Proposals, provides that domestic legislation is not required for a period of two years after ratification or accession by any government. Are there any comments? Mr. Anziani.

10. MR. ANZIANI (France): Mr. Chairman, the French Delegation does not wish to delay the work of the Conference but they do wish that a translation, or at least a partial translation, of the most important points of the discussions be made. We have taken cognizance, with considerable interest, of the proposals of the United States Delegation and we have noticed that these proposals suggest a close union with FAO. France is a member of FAO and has always taken a very clear position in the program for international cooperation. But the regulations of FAO, as well as of U.N. have determined that five languages would be official and two would be working languates, French and English.

I wish also to take the opportunity to express the apologies of the French Delegation, which arrived yesterday with some delay due to weather conditions over the Atlantic.

11. CHAIRMAN: The proposal by the French Delegation constitutes an amendment to the Rules of Procedure which were approved yesterday and I would call the attention of the French Delegation to Chapter 5 of the Rules of Procedure in IWC/2.

12. Does the French Delegation wish to make a motion for the amendment of the Rules of Procedure that were adopted yesterday, and if so, would you please make that motion?

13. MR. ANZIANI (France): Mr. Chairman, we move that an amendment be made to the article to which you refer. The French Delegation moves that the 5 languages which have been admitted by U.N. be adopted by this Conference.

14. CHAIRMAN: You have heard the proposal from the French Delegation. Is there any discussion?

15. MR. ANZIANI (France): Correction, Mr. Chairman. It is not recommended that 5 languages be adopted but that Article 15 should read as follows: that two languages, English and French, be the official and working languages of the Conference, as in FAO.

16. CHAIRMAN: Does anyone care to speak on that point? Mr. Dobson.

17. MR. DOBSON (U.K.): Mr. Chairman, I understand the motion is that the French Delegates would like to address us in their own language. I quote understand that, but I feel that the French Delegation, most of whom are my old friends, are unnecessarily modest in this matter. I know one of them at least, M. Le Gall who I perhaps know best of all, speak English sufficiently adequately to make the French points to the Conference, I wonder whether under the circumstances the French Delegation would help us all by addressing

us in English. We will help them out on any point they may wish to have corroborated. I should think that would be the best way.

18. I only make that in the way of appeal to assist the Conference. I don't want to tread on the toes of any prestige or anything of that kind.

19. CHAIRMAN: Thank you, Mr. Dobson.

20. MR. BERGERSEN (Norway): Mr. Chairman.

21. CHAIRMAN: Professor Bergersen.

22. MR. BERGERSEN (Norway): I agree with Dobson and I also appeal to our French colleagues. They speak English at least as well as we do. We are rather busy and we hope to get back to Europe before Christmas. Therefore all things that will delay this Conference I think we should try to avoid.

23. MR. ANZIANI (France) (Interpretation): It is not a question of language, but it is a question of principle. The French Delegation does not intend to request the translations of all the documents and all the discussions.

24. CHAIRMAN: Is there any further discussion of this motion of the French Delegation? Do any of the other delegations wish to be heard?

25. Is there a second to the motion of the French Delegation before we put it to a vote?

26. Let me repeat again, is there a second to this motion?

27. If there is no second, the motion must then be dropped, in accordance with the Rules of Procedure adopted yesterday. Again I ask if there is a second. If there is not, we will proceed with the discussion of Article VI.

28. I should state at this time that Dr. Fin, the representative of the Food and Agriculture Organization, is in attendance at the Conference as an observer. Will Dr. Fin please stand? Thank you Dr. Fin.

29. Mr. Dobson.

30. MR. DOBSON (U.K.): Mr. Chairman, I don't know whether I am out of order, but before you leave Article VI, I would just like to revert to the matter I raised yesterday which, briefly, is that known as "Sanctions". I don't want to find later that I cannot raise this point under the Rules of Procedure, because it is more than a drafting point. I would just like to say that, subject to any instructions that we may receive from our Government, for which we have asked, I

I would like to mention here that it is a question of confiscation of whale products produced by non-parties to the agreement. I don't want to say more in explanation, but I want to reserve the right under the Rules of Procedure to speak later.

31. CHAIRMAN: You are quite right, Mr. Dobson. You may bring up that matter at any time and we will rule that it is in order.

32. For the benefit of the French Delegation and for other newcomers here, I wish to make it clear that this Conference is operating very informally, as has been the custom in the past. Any delegation can bring up any matter at any time and if the Conference approves, it can be put on the agenda. What we are taking up now is a provisional consideration of these proposals; we are not taking up the definitive acceptance. We are running through the proposals to acquaint you with the contents.

33. Mr. Van Dijk.

34. MR. VAN DIJK (Netherlands): Mr. Chairman, Article VI, no. 2. I should like to ask if this no. 2 only applies to the preceding no. 1 of Article VI or does it also apply to no. 3 of the Article? Otherwise, I think that the place of no. 2 is not the right one. Perhaps it is better to leave this question to the Drafting Committee but, nevertheless, I should like to ask you what is the meaning of this position of no. 2.

35. CHAIRMAN: Thank you, Dr. Van Dijk.

36. Dr. Flory.

37. MR. FLORY (U.S.): It was the intention under no. 2 that it should apply in the same sense that provisions of the previous agreements applied. This section 2 is taken from Article III of the 1937 Agreement and was intended to apply to any infractions of the body of the proposed agreement or the schedule and not be limited to any particular infraction, such as those enumerated.

38. CHAIRMAN: Thank you, Dr. Flory. Most of these provisions are an old matter to most of us who have participated in these conferences. They have been discussed at considerable length. As far as the French Delegation is concerned, Danois in the previous conferences was familiar with all the discussions and the background that is behind them.

39. MR. BERGERSEN (Norway): Mr. Chairman.

40. CHAIRMAN: Mr. Bergersen.

41. MR. BERGERSEN (Norway): I should like to know the view the different delegations take on the question

of two inspectors on each factory ship. We are prepared to agree to two inspectors on each factory ship. The Inspectors, as stated, should be appointed and paid by the Government. But I should like to hear what the other delegations have to say about this question.

42. CHAIRMAN: Thank you, Professor Bergersen. I think the Netherlands Delegation and the United Kingdom Delegation recall our conversations at the 1945 conference on this, but possibly they may wish to be heard again.

43. Dr. Van Dijk.

44. DR. VAN DIJK (Netherlands): Mr. Chairman, the Netherlands Delegation quite agrees with the system of two inspectors. Our first whaling vessel has just gone out with two inspectors on board.

45. CHAIRMAN: Thank you, Dr. Van Dijk.

46. MR. DOBSON (U.K.): Mr. Chairman.

47. CHAIRMAN: Mr. Dobson.

48. Mr. Dobson (U.K.): We also agree. Although I think we have no instructions on this point, we agree to two inspectors.

49. CHAIRMAN: Thank you, Mr. Dobson.

50. Were there any further comments? I think it will be helpful if all of us will talk as freely as possible. Some of you may be newcomers to this type of conference but most of us, who have been attending these conferences since 1930, are old friends and we feel that we can talk freely on any subject without too much difficulty.

51. Are there further comments on Article VI?

52. MR. BERGERSEN (Norway): I think one of the members of our delegation, Mr. Knudtzon, has a word to say about Article VI (3b).

53. MR. KNUDTZON (Norway): Mr. Chairman, I feel that this proposal--that the total value of the oil produced from illegal take in whales should be forfeited--is very far-reaching. It will amount to a great deal of money and it cannot be avoided that some whales are taken which are not of the proper length. I should like to suggest that this question be discussed by a subcommittee. In 1939 we dealt with this question in London and had a subcommittee of which Mr. Dobson of the United Kingdom was Chairman. We found it very, very difficult to come to any conclusion and the whole matter was only referred to the Main Conference. In the Final Act, as far as I remember, it was recommended that before the next whaling conference a small committee of experts from the different countries should come together and make a definite proposal to the Conference. I don't feel that the Norwegian Delegation is prepared to accept this proposal without further examination.

55. Thank you, Mr. Chairman.

56. CHAIRMAN: Thank you, Mr. Knudtzon. It seems to me that the most satisfactory and most expeditious way this thing could be handled would be to appoint a subcommittee for consideration of this matter. If there is no objection, I will ask for a second.

57. MR. DOBSON (U.K.): Before you put that motion, I am wondering whether you would give the Conference some indication as to whether other subcommittees may be set up on other matters of substance to go into the agreement. It seems to me that we may, as we go through this, set up a number of subcommittees, and then find one subcommittee could have dealt with the whole. I think that possibly when the Drafting Subcommittee is appointed, it may find itself competent to deal with matters of principle. I don't think we want to set up too many subcommittees.

58. This is obviously an important point, and I would ask your kindness, Mr. Chairman, so as to secure information on this. If subcommittees are going to be set up, it is possible we will not need to set up a separate subcommittee for each question of principle.

59. CHAIRMAN: You are quite right, Mr. Dobson. What we had in mind was that this particular proposal might be rather complicated and that the Drafting Committee would not care to be loaded with it, you might say.

60. MR. DOBSON (U.K.): Thank you.

61. MR. BERGERSEN (Norway): This is a purely technical question and I should like to have a subcommittee with technical knowledge on this question to hear what they have to say.

62. CHAIRMAN: Thank you, Professor Bergersen.

63. MR. BERGERSEN (Norway): We want to cause no difficulty, but I think we all will find that this question should be dealt with rather cautiously.

64. CHAIRMAN: Thank you, Professor Bergersen. That is what all of us had in mind not only in drafting these proposals, but also at the previous conferences. All of us recognized it might necessitate new domestic legislation in some countries and that there were certain technical considerations. Thus it might be desirable to appoint a special subcommittee to handle this particular provision. If that would meet with the approval of Mr. Dobson, we could do so, or, if he feels it should be referred to our main Drafting Committee, I am entirely at the disposal of the Conference.

65. MR. DOBSON (U.K.): No, I think, in view of what I have heard, Mr. Chairman, we should adopt your policy of a special committee. I take it that at these subcommittees it is understood that the appropriate delegate may bring an expert with him if he wishes to.

66. CHAIRMAN: Certainly. That is the intention on all these committees, and I hope we don't have too many. I agree with Mr. Dobson. This was a subject that I thought might involve special technical knowledge, and that we should make that information available to all of us.

67. Is there a second to the motion to appoint a special subcommittee for consideration of paragraph B of section 3 of Article VI?

68. MR. FLORY (U.S.): I second the motion.

69. CHAIRMAN: You have the motion and it has been seconded. Is it approved, or do you wish me to poll the Conference? We can expedite things a great deal without going around the table. I take it that it has been approved. Were there any further comments?

70. I suppose we might arrange now for the committee. Argentina, do you wish to appoint a representative on this subcommittee?

71. DELEGATE OF ARGENTINA: Yes.

72. CHAIRMAN: Australia?

73. DELEGATE OF AUSTRALIA: No.

74. CHAIRMAN: Canada?

75. DELEGATE OF CANADA: No.

76. CHAIRMAN: Denmark?

77. DELEGATE OF DENMARK: Yes.

78. CHAIRMAN: France?

79. DELEGATE OF FRANCE: No.

80. CHAIRMAN: Netherlands?

81. DELEGATE OF NETHERLANDS: Yes.

82. CHAIRMAN: New Zealand?

83. DELEGATE OF NEW ZEALAND: No.

84. CHAIRMAN: Norway?

85. DELEGATE OF NORWAY: Yes.

86. CHAIRMAN: Peru?

87. DELEGATE OF PERU: No.

88. CHAIRMAN: United Kingdom?

89. DELEGATE OF UNITED KINGDOM: Yes, Mr. Thomson.

90. CHAIRMAN: United States?

91. DELEGATE OF UNITED STATES: Yes.

92. CHAIRMAN: It is in accordance with the usual procedure that the delegations which have signified their desire to participate in this committee will designate their representative and meet with the Technical Secretary, Mr. Chaney, at the close of this session. He will arrange for a room and you can then decide on the hour of meeting.

93. You will notice that in calling for these representatives I have purposely omitted the Observer Delegations. I hope that is understood.

94. Now, as to Article VII, lines 199 to 204 Article VII is based on a number of paragraphs of earlier agreements and is expanded and revised to cover all statistical reporting requirements. The nature of the data required from the governments will be specified in the schedule. The form and manner of reporting will be specified by the commission.

95. Any comments?

96. MR. DOBSON (U.K.): The only point I want to raise here is that if there should be an interim during which there is no commission, I take it the Drafting Committee will look at this clause so as to make sure that while there is no commission it will go to some appropriate government.

97. CHAIRMAN: That point has been noted, Mr. Dobson.

98. MR. DOBSON (U.K.): Thank you.

99. MR. BERGERSEN (Norway): Mr. Chairman, I hope we will have in this interim essentially the same provisions as we have now. Everyone gives to the Committee of International Whaling Statistics all the notifications and statistical information. In this Commission Gunnar Jahn, the Governor of the Bank of Norway, is President and I, also, have been a member. We hope that the information which we have received hitherto will come to us in the future.

100. CHAIRMAN: Thank you, Professor Bergersen.

101. MR. FLORY (U.S.): We are in complete agreement with Professor Bergersen on that point. In drafting this proposal there was no intention of changing the present procedure. However, we thought that in drafting this proposal, inasmuch as we are proposing to establish a long-range Commission, that it should not be deprived of the authority to obtain such information if, for any reason at all, the International Bureau should be disbanded or any other occurrence of that nature should take place. It is a kind of insurance rather than anything mandatory or changing the present scheme of things.

102. CHAIRMAN: Thank you, Dr. Flory.

103. Were there any other comments? If not, I propose that we take up Article VIII. Article VIII extends from lines 205 to 230. The first section of Article VIII, lines 205 to 214 is the same as Article X of the 1937 agreement. It exempts certain scientific investigations from the Conservation Regulations applicable to ordinary commercial operation.

104. Lines 215 to 218 are in part new and are administrative in character. The remainder of Article VIII, that is, sections 2 and 3, is new, and stresses the importance of scientific research, and encourages dissemination of this information. I should also point out that reporting is covered partly in section 2 of Article III, lines 105 to 113, and in section 2 of Article VIII, lines 219 to 224.

105. Any comments?

106. MR. VAN DIJK (Netherlands): Mr. Chairman, section 1 of Article VIII, I don't see anything about the value of those whales which have been granted by any government to be taken for scientific purposes. I think it would be best that the Committee set up with regard to section 3 of Article VI, should also study this question. And then, in section 2 of Article VIII, when we draft that section, I should like to ask you if it would not be a little better that the results of scientific work by the various governments or by the various government institutions be reported, not to the commission but, first, to the International Council for the Exploration of the Sea. Thus when the commission gets a certain report there would be a certain coordination with all the biological work which has been done on the question of whaling.

107. CHAIRMAN: Thank you, Dr. Van Dijk.

108. MR. BERGERSEN (Norway): Professor Ruud, who is head of the Whaling Institute, has a few comments.

109. MR. RUUD (Norway): As you know, the Norwegian Government has for many years had an Institute for Whaling Research in addition to the International Committee for Whaling Statistics. This institution sent out papers regularly and we have tried, as far as we have been able to do so, to send them to all countries interested in whaling and whaling research. We will keep up this procedure in the future. We hope, of course, to carry these things on, as mentioned here in the preceding paragraph, when we expect this commission to designate the investigations to such agencies as the commission should find useful for their investigation and purposes. If any delegations do not receive this information and these papers, we should like to hear about it and try to help them as far as we can.

110. CHAIRMAN: Thank you, Professor Ruud. I may say that the publication of yours is a very excellent one. I have learned much from the various memoranda and, I am sure, all the delegations of the countries engaged in whaling could read them with a great deal of profit. - Dr. Gabrielson.

111. DR. GABRIELSON: I can't see that this proposed provision would interfere in any way with any scientific papers or reports that might be made by any agency, government or otherwise. The only provision is that this information should come to the commission. I think it should have all the information as quickly as possible, if this commission is going to do the job that it ought to do; and I see no particular point in routing it through another agency first. If the commission wants to refer the information to another agency, it would have that prerogative. But I do think that, at times, it might be very important for the information to come directly to the commission from the agency doing the research.

112. CHAIRMAN: Thank you, Dr. Gabrielson.

113. MR. DOBSON (U.K.): Mr. Chairman.

114. CHAIRMAN: Mr. Dobson.

115. MR. DOBSON (U.K.): I would just like to mention the existence of the Discovery Committee whose reports are available to all and sundry. On the point, perhaps, of drafting, I would like to call attention to the fact that under this article a contracting government may take certain action and then report it when it is a fait accompli to the commission. I would suggest, for the consideration of the Drafting Committee, that they consider whether it wouldn't be better to require a contracting government to give these dispensations after consultation with the commission, and not independently of it. I think it is a matter that should be considered when the Drafting Committee come to this point.

116. CHAIRMAN: Thank you, Mr. Dobson. I quite agree with you that this matter could appropriately be considered by the Drafting Committee.

117. I should make it clear at this point that it is not our intention or our belief that this commission would usurp any of the previous prerogatives, let us say, of these various scientific organizations that have been engaged in research on whales. We certainly do not want to interfere with their work, because we are in the main dependent on the factual information and on the work of their staff. I think the Conference should bear in mind the great debt we owe to these research organizations, such as the Discovery Committee and the Norwegian Committee; and I only hope that some of the other governments may see fit to carry on similar lines of investigation.

118. Those of you who are not familiar with the Discovery Publications should certainly become so, or at least recommend to the appropriate agencies of your own Country the desirability of consulting these publications.

119. Are there any further comments? (No response)

120. Now, as to the proposal by Dr. Van Dijk, I propose that it also be referred to the Drafting Committee, for

consideration. The Committee can take into account the statement made by Dr. Van Dijk which will appear in the proceedings of this session.

121. DR. VAN DIJK (Netherlands): Mr. Chairman, I would not propose the Drafting Committee but just the subcommittee, which would handle Article VI, Section 3 (b).

122. CHAIRMAN: Dr. Van Dijk, we are trying to eliminate too many subcommittees. You will have a member of your Delegation on the Drafting Committee, and whatever technical advisers are needed. I do not think that this particular subject falls within the competence of the subcommittee that has been set up to consider section 3 (b) of Article VI. Would you agree to that, Dr. Van Dijk?

123. DR. VAN DIJK (Netherlands): Yes.

124. CHAIRMAN: Are there any further comments? (No response)

125. Let us proceed with Article IX, lines 231 - 237. Article IX is new but is similar to provisions included in recent International Fisheries Agreements. It contributes nothing of substance to the Convention such as is here proposed, but is helpful in clarifying the thought that the Convention, and the Commission's amendments constitute minimum restrictions, and that the contracting governments may, in their discretion, impose more severe regulations.

126. Any comments? If there are no comments, I propose we take up Article X, lines 238 - 264. Article X is similar, in substance, to "entry into force" provisions of some of the previous whaling agreements, except that it does not name specific governments which must ratify, before the Convention comes into force, lines 249 - 256. Experience in connection with the 1944 agreement on whaling, in which Ireland was named as one of the governments which must ratify before the agreement could become effective--and which Ireland has not as yet ratified--has led to the omission of countries from this section.

Paragraph a of section 5 of Article X is as follows:

127. "The provisions of the Schedule shall not apply prior to June 30, 1947. Amendments to the Schedule adopted pursuant to Article IV, lines 114 - 156, shall not apply prior to June 30, 1948."

128. Of course, that can be changed by the Drafting Committee.

129. According to paragraph b, section 5, of Article X, the provisions of paragraph b of section 3, of Article VI shall not apply with respect to any contracting government prior to two years from the time of its deposit of ratification or notification of accession.

130. MR. DOBSON (U.K.): Mr. Chairman, I am sorry that, in connection with this Article, I find myself at variance with the United States on a small point, and I wish to get it out of the way. Of course, the dates in paragraph 5 will be altered, if there is a separate protocol for 1947-48. But I would call the Conference's attention to Article IV, which allows this Convention to come into operation on the deposit of the instruments of ratification of only three countries. Now, I am aware that we adopted that procedure at the 1945 conference when we were dealing with only one season. I feel that the members of the Conference will perhaps agree with me that, in the case of this Convention, we are aiming at a document which may hold for a large number of years. In effect, I think we should feel that, if we don't secure that, it would be dangerous and irregular indeed, if we allowed the Convention and this long-term policy to come into operation on the ratification of two or three nations, for it might result in other nations' sitting back and saying "we need not bother". If that is a real danger--and I understood it might arise--I think it would be better for the Drafting Committee to consider whether we should not make a complete ratification for this very important Convention's coming into operation. I would like to hear what the others have got to say.

131. CHAIRMAN: Thank you, Mr. Dobson. - Dr. Flory?

132. DR. FLORY (U.S.): In the case of the previous agreements where we had a number of countries listed, whereby other countries had to ratify before the agreement entered into force, we ran into some difficulty, as Dr. Kellogg has suggested. The obvious purpose, of course, of limiting the number of governments here was to obviate that difficulty.

132. The alternate consideration of having some kind of interim arrangement which would operate until we should get all the signatories would, I believe, be a rather cumbersome method. If we should require that all of the signatories to this Convention ratify before the agreement enters into force, we may find that one government would refuse to ratify, and we then would be faced with a situation of having to call another international conference to adopt a modification of this entry into force provision.

134. Certainly, we have no strong feeling as to how this should operate. I think we are agreed in principle that this document should come into force as quickly as possible and with the least legal difficulty. For the United States Delegation, we would be quite anxious to have this question referred to the Drafting Committee for a full and thorough discussion of the ways and means whereby this agreement could come into force as easily, quickly, and equitably as possible.

135. CHAIRMAN: Thank you, Dr. Flory. Mr. Dobson.

136. MR. DOBSON (U.K.): I would like to thank Dr. Flory for his explanation, and I am sure he realizes that I would join in any attempt with him to circumvent the tedious method of ratification. But there is possibly a middle course. I emphasize that the adoption of the procedure under rather special circumstances last year was to insure that there was no holding up of pelagic whaling. You might modify the proposal here by eliminating "three governments" and say "the Governments concerned in pelagic whaling". But I am prepared to leave it to your Drafting Committee.

137. As I say, we are both anxious to secure a good method of getting the Convention ratified. We did not want to leave it so that certain governments might say the Convention is in force and we may sit back and take advantage of it and not ratify. That is the point I want to make.

138. CHAIRMAN: Is there any further comment? Well, if there is no objection, let us turn to Article XI.

139. Article XI, lines 265 to 267. Article XI, which contains the provision for denunciation, is similar in substance to Article XXI of the 1937 Agreement.

149. Mr. Dobson.

141. MR. DOBSON (U.K.): On a point of drafting I am not quite sure that it is clear from the clause that "contracting Government" must also include adhering Government.

142. CHAIRMAN: Thank you, Mr. Dobson. I think you are quite right. Any further comments.

143. Now let us take up the schedule. Let us have a brief review before we take up the items in this schedule. "The provisions of the Schedule shall not apply prior to

June 30, 1947." They shall apply in their present terms or as amended from time to time in accordance with the provisions of Article IV. See lines 52 to 53 of the Convention.

144. In Article IV, section (4), on line 155 to 156: "No amendments shall become effective before June 30, 1948". That, of course, is subject to change in drafting. For amdending this schedule, see Article IV of the Convention on page 6 beginning with line 114. Also, lines 126 to 130 and 138 to 156.

145. DR. FLORY (U.S.): I would like to explain briefly the division of subject matter between the schedule and the body of the agreement proper. It was the thought in drafting the body that therein would be contained the obligations of governments, one to the other, and to the commission, while in the schedule there would be contained the provisions by which the whaling companies and whaling operators would be bound. It is only in the schedule that there is any provision for administrative amendment.

146. The body of the agreement, that is the portion coming before the schedule, could be amended only by another protocol or a formal document such as we have here, subject possibly to ratification--certainly in the United States subject to ratification.

147. The items in the schedule, then, are the specific regulations for the conduct of whaling which are susceptible of change from time to time depending on the conditions of the stocks of whales, of biological and scientific evidence, world requirements for fats and oils, and other factors that may change from time to time.

148. The schedule, of course, forms an integral part of the Convention proper, but having been set up as a schedule it becomes a more or less divisible part, a separate, clearly defined section of the agreement.

149. CHAIRMAN: Thank you, Dr. Flory. Now, as to this schedule. Paragraph (1), lines 1 to 2, we find the wording is taken from Article IV of the 1937 agreement. I think most of us will agree that the stocks of both of these species are at a critical level. Such prohibition is deemed essential to any recovery, and there are some who hold that the stocks of both species are now so low that recovery may be impossible. Any comments?

150. If not, let us proceed with paragraph 2. On lines 3 to 5 the wording is here taken from Article VI of the 1937 agreement. This paragraph is designed to protect immature whales of all species.

151. MR. THOMSON (U.K.): With regard to this No. 2 in the schedule, it is quite true, as the Chairman says, that it is taken from Article VI of the agreement of 1937. But I should just like to mention the point that in 1939, when we had a conference in London, where certain resolutions

were made but never carried into effect on account of the outbreak of war, there was a suggestion that lactating whales should also be protected. It is really a drafting point, but I thought it might be mentioned here so that any delegation that had any views on it might think the point over. The actual wording at the 1939 conference stated: "The regulation permitting the payment of bonus or other remuneration to gunners and crews of whale catchers for whales illegally taken to be extended to prohibit payment for any milk-filled or lactating whales.".

152. That, of course, relates to another Article, but if you are not going to pay your gunners for taking these whales, surely the taking of them should, so far as possible, be prohibited in the agreement or in the schedule.

153. CHAIRMAN: Thank you, Mr. Dobson. That point will be noted, and I hope will be taken into account by the Drafting Committee.

154. MR. BERGERSEN (Norway): Mr. Knudtzon has a few comments.

155. MR. KNUDTZON (Norway): The question of milk-filled whales was raised by the Norwegian Delegation at the 1939 conference. In our opinion their prohibition against taking whales accompanied by suckling calves would be quite insignificant if we did not regard the milk-filled whales as having been followed by suckling calves. We were, of course, aware of the fact that in this special case the calf might have been taken from her mother by killer whales or have been separated from her in other ways. But, nevertheless, we found that it would be only in a small percentage of the cases that the whale in question, if it was milk-filled, had not actually been caught while followed by a suckling calf. But none of the delegations shared in our views, and it was determined that no bonus should be paid to the gunner of such a whale. In my opinion that is sufficient to protect the whales and I don't think it is illegal to have these procedures in the special cases.

156. CHAIRMAN: Thank you very much, Mr. Knudtzon. Are there any other comments?

157. MR. BERGERSEN (Norway): Mr. Chairman, remember that in the material which we gave you this morning you have a reprint of all the protocol and agreements from 1937.

158. CHAIRMAN: Thank you, Mr. Bergersen. I expected to call the attention of this Conference to that at the close of this session. But that is unnecessary as Professor Bergersen has made mention of it at this point. You will find this material in the red covers. I am sure that all of the Delegations shall wish to read this material at their convenience and I recommend that you do as soon as possible.

159. Let us now take up paragraph 3, lines 6 to 20. Lines 6 to 9 are taken from Article IX of the 1937 agreement. The remainder of the paragraph is the same as Article VII of the 1938 protocol except that the area in the North Pacific north of 66° latitude left open at the insistence of Japan in 1938 is here proposed for closure. This paragraph is designed to protect whales from factory-ship operations on their calving grounds, as well as during their migrations to and from such grounds. Closure of the specified areas to land-station operations, while appropriate from a practical conservation standpoint, has heretofore been unacceptable to countries operating land stations. It is generally believed the factory ships would inflict far greater damage than land stations on the stocks because of the more extensive and intensive operations of factory ships. Are there any comments?

160. I may say that while Japan insisted upon this reservation, they never ratified any of the agreements. They did tell us that if they got this reservation approved they would ratify. Are there any comments on paragraph 3?

161. Let us proceed to paragraph 4, lines 21 to 25. Under paragraph 4 we have the sanctuary proposal, the wording of this paragraph is taken from Article II of the 1939 protocol. This paragraph reestablishes a sanctuary area in so far as factory-ship operation is concerned. It seems desirable to reintroduce this provision not necessarily for its value as a conservation measure but to assure recognition of the sanctuary principle. Any comments?

162. MR. BERGERSEN (Norway): I am very glad that you have that provision back in the Agreement and I certainly would stress that I truly agree to the wording of this Article.

163. CHAIRMAN: Thank you very much, Professor Bergersen.

164. If there are no further comments, let us proceed to paragraph 5, lines 26 to 29. The wording of this paragraph is taken from Article I of the 1938 protocol. Article III of the 1945 protocol extends this provision for the 1945-46 season. It has been generally believed that humpback whale stocks, at least in some sectors, are at a dangerously low level. Any comments?

165. MR. BERGERSEN (Norway): We have always in previous meetings had this provision formulated to cover so many years--two years or one year or something like that--but I understand that it is not necessary to have this former wording when you have this phrasing of it. Is that not so?

166. CHAIRMAN: Thank you, Professor Bergersen. It is the intent of the Commission with the approval of the contracting government to modify this thing in any way that is acceptable.

167. MR. DOBSON (U.K.): I am in a little difficulty about that humpback whale clause which I realize is of particularly recent origin and was included before it was first noted in the conference of 1938. I was hoping that we might have the observations of some of the other delegations beside Professor Bergersen on this point, because I will content myself with saying that our British whaling industries are opposed to this provision as it seems to some extent to penalize the pelagic whaling interest at the expense of, or to give a priority to the land stations as opposed to pelagic whaling that I want to say this at this point.

168. CHAIRMAN: Thank you, Mr. Dobson.

169. Now, as it is quite close to 12 o'clock, I propose that the various delegations consider this article during the noon period and when we reassemble here again this afternoon they may have additional comments to make on this article. If that is agreeable, the conference session is adjourned.

170. (The meeting adjourned at 11:55 a.m.)

DONALD J. CHANEY
Technical Secretary

- END -

RESTRICTED
Corrigendum A
IWC/20

November 23, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM A

MINUTES OF THE THIRD SESSION

November 21, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 6

52. MR. BERGERSEN (Norway): I think one of the members of our delegation, Mr. Knudtzon, has a word to say about Article VI (eb).

53. CHAIRMAN: Mr. Knudtzon.

54. MR. KNUDTZON (Norway): Mr. Chairman, I feel that this proposal--that the total value of the oil produced from illegally taken whales should be forfeited--is very far-reaching. It will amount to a great deal of money and it cannot be avoided that some whales are taken which are not of the proper length. I should like to suggest that this question be discussed by a subcommittee. In 1939 we dealt with this question in London and had a subcommittee of which Mr. Thomson of the United Kingdom was Chairman. We found it very, very difficult to come to any conclusion and the whole matter was only referred to the Main Conference. In the Final Act, as far as I remember, it was recommended that before the next whaling conference a small committee of experts from the different countries should come together and make a definite proposal to the Conference. I don't feel that the Norwegian Delegation is prepared to accept this proposal without further examination.

Page 9

99. MR. BERGERSEN (Norway): Mr. Chairman, I hope we will have in this interim essentially the same provisions as we have now. Everyone gives to the Committee of International Whaling Statistics all the notifications and statistical information. In this Commission Gunnar Jahn, the Governor of the Bank of Norway, is President and I and Mr. Paulsen are members. We hope that the information which we have received hitherto will come to us in the future.

(2 pages)

Page 16

155. MR. KNUDTZON (Norway): The question of milk-filled whales was raised by the Norwegian Delegation at the 1939 conference. In our opinion the prohibition against taking whales accompanied by suckling calves would be quite insignificant if we did not regard the milk-filled whales as having been followed by suckling calves. We were, of course, aware of the fact that in special cases the calf might have been taken from her mother by killer whales or have been separated from her in other ways. But, nevertheless, we found that it would be only in a small percentage of the cases that the whale in question, if it was milk-filled, had not actually been caught while followed by a suckling calf. But none of the delegations shared our view. It was, however, as a compromise determined that no bonus should be paid to the gunner of such a whale. In my opinion this is sufficient to protect the mother whales and I don't think it is necessary to go further. It is however evident that a gunner must be punished if it is proved that he deliberately has shot a whale accompanied by a suckling calf.

Page 17

162. MR. BERGERSEN (Norway): I am very glad that you have that provision back in the Agreement and I certainly would stress that I fully agree to the wording of this Article.

165. MR. BERGERSEN (Norway): We have always in previous meetings had this provision formulated to cover so and so many years--two years or one year or something like that--but I understand that it is not necessary to have this former wording when you have put this into the schedule which can be subject to alteration by the proposed commission. Is that not so?

- END -

RESTRICTED
Corrigendum B
IWC/20

November 27, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM B

MINUTES OF THE THIRD SESSION

November 21, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Pages 15-16

151. MR. THOMSON (U.K.): With regard to this No. 2 in the schedule, it is quite true, as the Chairman says, that it is taken from Article VI of the agreement of 1937. But I should just like to mention the point that in 1939, when we had a conference in London where certain resolutions were made but never carried into effect on account of the outbreak of war, there was a suggestion that lactating whales should also be protected. It is really a drafting point, but I thought it might be mentioned here so that any delegation that had any views on it might think the point over. The actual wording at the 1939 conference stated: "The regulation prohibiting the payment of bonus or other remuneration to gunners and crews of whale catchers for whales illegally taken to be extended to prohibit payment for any milk-filled or lactating whales."

152. That, of course, relates to another Article, but if you are not going to pay your gunners for taking these whales, surely the taking of them should, so far as possible, be prohibited in the agreement or in the schedule.

153. CHAIRMAN: Thank you, Mr. Thomson. That point will be noted, and I hope will be taken into account by the Drafting Committee.

- END -

RESTRICTED
IWC/22

November 21, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE FOURTH SESSION

TIME: Thursday, November 21, 1946, 2:50 p.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order. First there is the matter of the showing of the Norwegian film. I find that the film is not of the safety type and consequently cannot be shown in this room. However, the Secretariat has arranged to show the film at the same hour, 8 p.m., this evening, in the Auditorium Building. If you will, take down this address; Auditorium Building, 1901 New York Avenue.

2. This is located at Eighteenth and New York Avenue. If you go down this street about two blocks west and then turn down two blocks south you come to the building. Unfortunately, the building does not have an elevator. It will be necessary to walk up three or four flights of steps, but arrangements have been made for someone there to guide you and you follow the OSS projects signs that you will see as you go up the steps. The showing will be there.

3. Let me repeat again, the Auditorium Building, at 1901 New York Avenue. I understand the room is large enough so that we can take care of all of the members of the delegations and of the Secretariat, in case they desire to know what a whale looks like. The wives of the delegates are invited also.

4. There is another matter that I think deserves the attention of the Conference. Inasmuch as the FAO has been admitted to the Conference in an observer status, the minutes of the executive sessions are, of course, available to FAO. This, therefore, raises the question of whether the minutes of the executive sessions should also be made available to other governments on application with, of course, the proper injunction of secrecy.

5. It is assumed that the Conference does not wish to change the Rules of Procedure so as to make these matters available to the general public. Are there any observations? I do not know what the practice is in the other governments of making such documents available to government agencies.

6. MR. DOBSON (U.K.): Mr. Chairman, it might help you to know that on the occasion of the last Whaling Conference

we were approached by a country who was not a party to the Agreement. I think they are now a party to the Agreement. We took our discretion in the matter and did decide to supply for the confidential information of the Embassy in London the proceedings of the Conference. Let me guide you a little. If you're going to do something exceptional, we have done it before.

7. CHAIRMAN: Thank you, Mr. Dobson. Are there any other comments? Professor Bergersen, did you have anything you cared to say on that point?

8. PROFESSOR BERGERSEN (Norway): Not a thing.

9. CHAIRMAN: As there is no objection, such documents will be made available to other official inter-governmental organizations on application, with, of course, the proper injunctions of secrecy.

10 There are other matters that should be taken up at this time. I understand that the Brazilian Representative is now here. Mr. da Cruz, would you please stand. Thank you. And also Mr Commins of Ireland. Thank you. Are there any others here that haven't been introduced? If there are, please stand and give your names so we will keep things straight.

11. Another matter, I'm afraid I have not consulted with the French Delegation as to whether or not they desire representation on the Drafting Committee

12. MR. ANZIANI (France): Yes, Mr. President. Mr. Anziani of France wishes to be a representative.

13. CHAIRMAN: Thank you. With your permission we shall now return to the consideration of the schedule.

14. Paragraph 5, lines 26 to 29. As regards paragraph 5 the wording is taken from Article I of the 1939 Protocol. Article III of the 1945 Protocol extends this provision for the 1946-47 season. As I have said before, humpback whales are considered by many of us to be at a dangerously low level, certainly in certain sections. Part of this was discussed this morning and we asked the delegations to give this matter some consideration during the lunch hour and come prepared to discuss the matter further, if they so desired. Are there any comments? Mr Dobson.

15. MR. DOBSON (U.K.): Mr. Chairman, on this question of humpbacks, I did indicate this morning that this has been rather a burning question with our whaling industry It is perfectly true that you suggested we might think about this during the luncheon hour and I would ask for a little more time on the subject, if you don't mind We should like to have a little more time to discuss it among ourselves. If agreeable, I would reserve what we have to say to a later stage when we get the next draft from the Drafting Committee. At the same time, I don't want you to think that we are going to raise every conceivable point on every conceivable

paragraph. But this does happen to be a case where we have not yet made up our minds what line the British Delegation will take on this particular question, on which we have a certain discretion. It is not a question of asking for certain instructions. So if you will allow me to raise the question in the next stage when this comes back from the Drafting Committee, I'll be very grateful.

16. CHAIRMAN: Thank you very much, Mr. Dobson. I'm sure we can agree to that. I know it's somewhat complicated, but I thought some of the other delegations might give it some thought too. That is all we had in mind.

17. MR. DOBSON (U.K.): I hope so too.

18. CHAIRMAN: Are there any comments from any of the other delegations?

19. MR. POWLES (Australia): With reference to Article V, I should like to say that if it is proposed to change it in any way, I should like to have something to say with reference to the change at a later stage. It may be possible that it would be advisable for me to seek instructions. Perhaps the United Kingdom might be in the happy position of not needing to seek instructions on it, but I might have to do so. This would indicate that any proposed change ought to be suggested fairly early.

20. CHAIRMAN: Thank you. That is the main reason I brought this up. I wanted everybody to be on the same footing so that when we did take up the matter on a definitive basis you would be in a position to express the views of your own Government.

21. Thank you again, Mr. Powles, for bringing it up.

22. Let us turn then to paragraph 6, lines 30 to 39. As for the Antarctic whaling season, the wording of paragraph 6, subparagraph (a), is taken from Article VII of the 1937 agreement. It should be noted that this provision in the schedule does not apply prior to June 30, 1947; see lines 257 and 260 of the Convention, also lines 52 to 55, which is Article I, section 2. Of course, this is subject to change in the drafting. The season 1946-47, as you all know, has been taken care of in the 1945 protocol; Article IV, section 1. Paragraph 6 reestablishes the three months season for baleen whales in the Antarctic, commencing in general at the date when the whales have had an opportunity to spend such time on the feeding grounds as to put on substantial fat. As a wartime emergency the season was extended, primarily because of a world shortage of fats and oils and also because the number of expeditions was greatly reduced as a result of the war. The number of expeditions is increasing rapidly and there is reason to believe that by the 1947-48 season the catch limits specified in paragraph 7 below will be attained within the three months period recognized by many biologists as proper.

23. CHAIRMAN: Paragraph 6, subparagraph (b). The substance is taken from Article V of the 1938 protocol. This is an administrative refinement of subparagraph (a) of Article VI. At this time I should like to call to the attention of the Conference a statement from Dr. Mackintosh, the Director of the Discovery Committee, who has given this matter considerable thought. As Dr. Mackintosh has pointed out, certain changes take place in the composition of the Antarctic population of whales during the close of the Antarctic summer. As the season advances, the proportion of blue whales falls, while that of the finback rises. There is a marked decline in the percentage of pregnant females. The pregnant females seem to be progressively displaced or diluted by the arrival of resting or lactating females. The proportion of old and mature whales is slightly higher in the early than in the later summer catches.

24. I hope I have not misquoted you, Dr. Mackintosh.

25. DR. MACKINTOSH (U.K.): No. I think that is quite correct.

26. CHAIRMAN: Some members of the Conference are not familiar with this recent, very interesting paper of Dr. Mackintosh, and I thought you might like to have that information in the record.

27. DR. MACKINTOSH (U.K.): What it amounts to is simply that it is, on the whole, better to kill whales in the latter part of the season than in the earlier part. As Dr. Kellogg has said, there are more blue whales and fewer finwhales at the beginning of the season and the blue whales certainly need protection more than the finwhales do. Blue whale stocks, I think everybody would agree, have suffered from hunting more than finwhales and they are undoubtedly commoner in the early part of the season. Pregnant whales also are in a higher proportion in the beginning of the season. Whales are thinner in the early part of the season and become fatter as they spend more time on the feeding grounds. Therefore, in general, I think it is correct to say that whaling in the latter part of the season is more economical and less damaging to the stock than whaling in the beginning of the season.

28. CHAIRMAN: Thank you, Dr. Mackintosh. Were there any other comments?

29. Professor Bergersen.

30. MR. BERGERSEN (Norway): I also have to make a little reservation here concerning paragraph 6. I am instructed to propose that the season shall open on the fifteenth day of December for three months to the fourteenth day of March. My reasons are the same as Dr. Kellogg and Dr. Mackintosh gave just now. We have to protect the blue whale as much as possible. I may also say that we have consulted the Norwegian whaling industry and they have made no objection. They understand this very, very serious question

and they think, as the biologists do, that we have to take care of the blue whale stock more than ever.

31. CHAIRMAN: Thank you, Professor Bergersen. Were there any other observations on his section?

32. Mr. Dobson.

33. MR. DOBSON (U.K.): Mr. Chairman, I would like to raise just one question in view of what Professor Bergersen has said. As I understand, he is in favor of three months as the longest period, but he would like to start later. Well now, Mr. Chairman, I don't know whether I am speaking quite ignorantly. Perhaps you would give us some guidance on this. If we are going to have the 16,000 blue whale units, which will under this long-distance policy apply in 1948-49 is it not possible that by that date we may have such a number of factory ships that we will actually catch the 16,000 blue whale units well within the three-month period. If there is anything in that, I just throw it out as a suggestion, because I know our own industry thinks strongly on this. If this is a possibility, or even a probability, there is something to be said for establishing no specific season at all. I don't want to say more than that at the moment.

34. CHAIRMAN: Thank you, Mr. Dobson.

35. MR. DOBSON (U.K.): There is also the question in those circumstances whether we shouldn't have an earlier date, but it does seem to me possible to have a fixed date for starting. What our industry would like, Mr. Chairman, is this: if, as a premise, the 16,000 units might be taken--I mean in less than three months--you might have a fixed starting date and nothing more. I just put that out for discussion.

36. CHAIRMAN: Are there any comments on that proposal? These are all considered tentatively. This is just a provisional discussion and we would like all of you to enter into it.

37. Professor Bergersen.

38. MR. BERGERSEN (Norway): I do not agree with this view. I think from all points of view it would be the right thing to have a fixed season, also a closing date.

39. CHAIRMAN: Thank you, Professor Bergersen. In other words, you desire a fixed starting time and a fixed closing date.

40. MR. BERGERSEN (Norway): Yes, I do. I think you have considered this in your previous conventions, and I am quite sure that you will agree with me that it will be the best thing to have approximate limits, a starting date, and a closing date. I think that to start with we could say that the season from the fifteenth of December to the fourteenth of March would be a pretty good guess.

41. CHAIRMAN: Thank you, Professor Bergersen. If I may step out of character for a minute and speak as a biologist, I would like to suggest that I personally am in agreement with Professor Bergersen as to starting on the fifteenth of December. And I should think that the industry would likewise agree because then they are more sure of getting fat whales than when they begin whaling at an earlier date.

42. Dr. Deason.

43. DR. DEASON (U.S.): The regulations of the International Fisheries Commission for the halibut fishery of the North Pacific operate within a fixed season, having both a starting and a closing date. In addition, a quota is prescribed for each area. It seldom happens that the season lasts until the actual closing date inasmuch as the quota is usually reached, and fishing is suspended sometime during the open period.

44. CHAIRMAN: Thank you, Dr. Deason. Were there any other comments?

45. Dr. Van Dijk.

46. DR. VAN DIJK (Netherlands): Mr. Chairman, we also prefer a fixed season and a fixed number. This is the only thing I would say on the subject. Thank you.

47. CHAIRMAN: Thank you, Dr. Van Dijk.

48. Any further comments? Remember we are conducting this on an informal basis, and we would like all of you to express an opinion if possible. It will not be held against you, I can assure you.

49. At this time, I notice that the U.S.S.R. is now represented at this Conference. In accordance with the custom, I would like to request the representatives to rise as I give their names.

50. Mr. Tverianovich, if you please.

51. And the Interpreter, Miss Tsibulskaya.

52. Thank you. Since you have come in now, let me explain that in yesterday's sessions, we adopted Rules of Procedure and agenda. You will find these in the proceedings of the two sessions for yesterday. We are now engaged in a provisional discussion of the American proposals and are now on the schedule. We are running through this provisionally to acquaint all of the members that are in attendance of these provisions and to invite discussion from the various members.

53. I think you have a marked copy of the U.S. proposals which will give you the source of the different items from the previous agreements and protocols. As I have said before, you will get the previous discussion in the verbatim proceedings that have been duplicated and will be placed before you

if you have not already received them.

54. That being the case, is there any more discussion of Article VI? If not, let us turn to Article VII, lines 40 to 71. Paragraph 7 is essentially the same as Article III, section 1 of the 1944 protocol, and Article IV, section 1 of the 1945 protocol. According to the wording of the Convention, the quota specified in subparagraph (a) of paragraph 7 remains in force until the Commission recommends an alteration which meets with the approval of the contracting governments under the procedure outlined in Article IV, section 3 of the Convention.

55. This paragraph establishes an over-all catch limit for the waters south of 40° south latitude, which is probably too high, from a conservation viewpoint, but may appear to be the compromise most acceptable to all parties, since the figure proposed here was adopted in 1944 and 1945.

56. The total Antarctic production during the 1938-39 season before the war, and when there was no catch limit, was 2,821,000 barrels. Last year, that is, during the 1945-46 season, the Antarctic catch of 790,928 barrels constituted roughly one-half of the amount allowable under the 16,000 blue-whale unit limitation. I am subject to correction on that figure.

57. The wording of paragraph 7 (b) is taken from paragraph 2, Article IV of the 1945 protocol. Certain modifications have been made in the procedure for reporting catches.

58. In subparagraph (c) of paragraph 7, with reference to the provision for notification of the weekly catch, the substance of subparagraph (c) of paragraph 7 has been taken from section 3 of Article IV of the 1945 protocol.

59. Subparagraph (d) of paragraph 7 is a modification of the provisions of the 1944 and 1945 protocols which provides for notice of the Antarctic operations to assure that weekly data are received for the purposes of ascertaining when the catch limit is reached.

60. Most of the wording of this subparagraph has been taken from section 3 of Article IV of the 1945 protocol.

61. With reference to subparagraph (e) of paragraph 7, the substance is taken, in part, from Article II of the 1945 protocol. Are there any comments?

62. MR. BERGERSEN (Norway): I agree with the Chairman that 16,000 blue whale units is pretty high. From my study of the figures, covering last year's catch on operations in their entirety, I got the impression that is pretty high, but I

will make no proposal. I think, as the Chairman has said, that we have to stick to this figure, 16,000 blue whale units.

63. There is one small point which I wish to mention here. When we in 1944 introduced the 16,000 blue whale units, it was understood that this figure applied to pelagic whaling. Perhaps it is not enough to say south of 40 degrees south latitude, but perhaps we should say the number of baleen whales caught through pelagic whaling in any waters, if that is right. That is all.

64. CHAIRMAN: Thank you, Professor Bergersen. This is a matter of drafting, and we can decide on that later.

65. MR. THOMSON (U.K.): Mr. Chairman, it is certainly true, as Professor Bergersen has said, but it may not be quite clear in the initial words of the section as to whether the limitation applies only to whale factory ships. But I think it is made quite clear later on, because, in the later paragraphs only the whale factory ships are required to provide information as to their catches to the International Bureau. Therefore, obviously, a catch of land stations is not intended to be included in this 16,000-blue-whale unit.

66. CHAIRMAN: Thank you, Mr. Thomson.

67. MR. VAN DIJK (Netherlands): Mr. Chairman, in this draft schedule, we see that the limitation to 16,000 blue whale units will work not only for the short term, but also for the long term. Now several data which are taken up in the schedule are rather fixed, and I think that the biological people had their good experience in that. However, with regard to 16,000 blue-whale units, I think that is different. Isn't it quite an arbitrary figure? Is that the right figure? Is it too great, or is it too small? I think nobody might know. When we accept a number like 16,000 or 12,000 or 18,000, it might be, on the long term, that it would work out the wrong way. That is, Mr. Chairman, why I should propose that the number of 16,000 blue-whale units apply only to the next season, and that we leave it to the Commission to fix the number of blue-whale units for the following seasons. Thank you.

68. CHAIRMAN: Thank you, Dr. Van Dijk. If I may step out of character of Chairman for a moment, I would like to say that practically all of us who have been following in this before the war were agreed that pelagic whaling south of 40 degrees south latitude had been too intensive, and that something must be done. We looked over the catches of the previous years and decided on a figure that was approximately two-thirds of the average catch for the preceding six or seven years.

69. Now there are others here far more competent than I am, but let me suggest that if we change this figure from year to year, we will not have a statistical basis for evaluating the populations of whales south of the 40 degrees south. In other words, if we are going to proceed on a logical basis, we will have to let a figure run a few years to get a statistical basis for analysis. You cannot do that if you change that figure from year to year. It will have to stand for a few years if you expect to accomplish anything.

70. I am sorry I have to speak out of character.

71. MR. DOBSON (U.K.): Mr. Chairman, with regard to the suggestion which has been made by Mr. Van Dijk, I am glad he agrees for the first season, which we shall deal with separately, that he doesn't wish to cut out 16,000 blue-whale units.. But I feel that there are two objections to his proposal that in the long distance policy we should say nothing and leave it to the Commission to settle. In the first place, the Commission might be rather hard put to decide upon what should be the number for the 1948-49 season. If there is any chance of that--I am afraid I am rather obsessed with the idea of delay, but delay in these things does take a long time to get through--I think it would be very unfortunate if, for any one year, we had dropped out what we had settled in 1943 as a principle.

72. I want to say, Mr. Chairman, one other point. In subarticle 7 (c), I think that the Drafting Committee should address themselves to tightening up a little the information which must be given here. I think that it should either be made quite clear that this information is supplied confidentially, or, that it should be available for simultaneous release to everybody. That is a drafting point, but we attach very great importance to it in the British Delegation.

73. CHAIRMAN: Thank you, Mr. Dobson.

74. MR. VAN DIJK (Netherlands): Mr. Chairman, may I raise another point. I cannot understand why, in paragraph 7 (c), there shall be notification to the Commission. As I understand it now, the procedure is that we have to give notification to the International Bureau of Whaling Statistics, and I think that the practice there is very good. That is why I do not understand why it should be altered now, and in the future there should be given notification to the Commission.

75. CHAIRMAN: Thank you.

76. MR. VAN DIJK (Netherlands): That would require that the Commission have a special bureau, and, regarding the question of the bureau, we have not yet finished, Mr. Chairman.

77. CHAIRMAN: Thank you, Dr. Van Dijk.

78. MR. FLORY (U.S.): On that point, of course, we anticipated that the procedure would be precisely the same as it is at the present time, and that notification would continue to be made to the International Bureau.

79. CHAIRMAN: We all recognize the wonderful and valuable services the International Bureau of Whaling Statistics has performed in compiling all statistical data relating to whaling. They have done a very fine job. Specific authorization for this work has been included in previous conventions.

80. Were there any other comments?

81. If there is no further discussion on paragraph 7, let us turn to paragraph 8, lines 72-84. The wording of paragraph 8 is taken from Article V of the 1937 agreement, except for references to sei and sperm whales. It was thought desirable to introduce a minimum length for the sei whales, since under paragraph 7 subparagraph (b) line 48, we have taken 6 sei whales as being the equivalent to 1 blue whale.

82. In accordance with certain proposals made at the 1945 conference, the minimum length of sperm whales has been increased in this proposal as being from 35 feet to 40 feet. In the case of sperm whales, the increase in minimum length is suggested to permit a greater escape of the females and to provide additional protection to the males, who attain sexual maturity between 38 and 41 feet. The specified lengths of whalebone whales are, roughly put, in all cases slightly under the normal sizes at which these whales reach sexual maturity.

83. The second portion of Article VIII, lines 80 84, is taken from Article IV of the 1938 protocol, except that an exception included in the 1938 protocol, permitting sperm whales of 30 feet to be taken, is eliminated. No satisfactory evidence has been brought forth that the meat of sperm whales can be eaten, as originally contended when this article was adopted. Japan insisted that they ate sperm-whale meat. None of us agreed. I think it would be very hard to get anyone to eat sperm-whale meat.

84. MR. BERGERSEN (Norway): Mr. Chairman.

85. CHAIRMAN: Professor Bergersen.

86. MR. BERGERSEN (Norway): The sei whale of 40 feet, as proposed by you, is a new item, and I don't know if we have data enough to be quite sure. Personally, I feel we should have a little more, and I wish Dr. Kellogg, Mr. Mackintosh, and Mr. Paulsen would look into this question. The Norwegian Delegation, I think, will be prepared to adopt this proposal with regard to the pelagic whaling.

87. CHAIRMAN: Thank you, Professor Bergerson.

88. MR. BERGERSEN (Norway): But let us think a little on the subject of land stations all around the world. I think we shall have some unnecessary trouble if we stick to the 40-foot limit for the land station. I think we must use the old formulation and say that if it is used for human or animal consumption we must not go into it further than the 35 feet. It is my impression that we would save very much trouble if we would take this attitude.

89. CHAIRMAN: Thank you, Mr. Bergersen. Since this is a matter of substance, I propose that we have one or more committees for substance, as distinct from the Drafting Committee. There will be a number of items of this sort where biological or other material will have to be analyzed. If the committees on substance can report on matters of substance, it will simplify the work of the Drafting Committee. The Drafting Committee can then confine its efforts to the niceties of language which express our desires in this matter, and leave to the committees that handle substance the problem of bringing in the best opinion available in such matters. Mr. Dobson?

90. MR. DOBSON (U.K.): I think Mr. Mackintosh would like to address the Conference.

91. MR. MACKINTOSH (U.K.): Mr. Chairman, I don't know whether we really ought to raise this point now, as it may be a matter for a committee on substance, but it is about the limit for sperm whales. This is a species which can, I think, be farmed better than any other species. The males grow to a considerably larger size than the females; and by taking whales over a certain length, one can take the males and save the females. The limit of 35 feet will effect a substantial protection of females. There may certainly be occasion for raising it to 40 feet. But, speaking for myself, my own opinion at the moment is that we might perhaps leave it at 35, but later raise it to 40 if there is evidence that further protection is needed. That is my opinion at the moment; I am open to persuasion in the matter.

92. CHAIRMAN: Thank you, Mr. Mackintosh.

93. MR. DOBSON (U.K): I cordially support the proposal for a committee on substance. I wasn't quite sure whether it meant biological substance.

94. CHAIRMAN: Everything in matters of substance.

95. MR. DOBSON (U.K.): If it is a biological committee, we are happy to leave it in the hands of Mr. Mackintosh; but if this substance committee gets instructions about incorporating FAO, that might raise other questions in which somebody else might have to come out in the subcommittee. I hope that is understood.

96. CHAIRMAN: Thank you, Mr. Dobson. In choosing the committees on substance, we had in mind that the chairman of the respective delegation would assign a representative for that particular subject or for particular questions.

97. Were there any other questions or observations?

98. MR. EDWARDS (Chile): Yes, Mr. Chairman.

99. CHAIRMAN: Mr. Edwards.

100. MR. EDWARDS (Chile): Will it be possible for countries that do not sit on the committee to approach the committee on any subject on which they may get subsequent instructions?

101. CHAIRMAN: Certainly. It was our intention to poll the Delegations and inquire as to whether they wish representation on any committee.

102. MR. EDWARDS (Chile): But they might not want it at this moment and then want it later on.

103. CHAIRMAN: Would it not be desirable to indicate that you wish representation? You do not have to attend unless you wish.

104. MR. EDWARDS (Chile): That would be all right.

105. CHAIRMAN: It seems to me desirable at this time to appoint a biological committee so that the members will have sufficient time to consider the matters that fall within its competence. That will include sperm whales, sei whales, or matters of that sort. I will now poll the Delegations.

106. MR. EDWARDS (Chile): May I ask a question?

107. CHAIRMAN: Certainly, Mr. Edwards.

108. MR. EDWARDS (Chile): Dr. Bergersen referred to treatment which had been accorded to land stations with regard to limits. Would this be the kind of question the subcommittee would deal with?

109. CHAIRMAN: It seems advisable for the ad hoc biological committee to limit its consideration to sperm whales and sei whales. On other matters we may want to set up a new committee on biology.

110. The present committee will consider the question of sperm whales wherever they occur in the text and also the sei-whale matters. Does that answer your question, Mr. Edwards?

111. MR. EDWARDS (Chile): Yes, it does.

112. CHAIRMAN: In polling the delegations I will not call on the delegations that have only observers.

113. Argentina, do you wish representation on the *ad hoc* Biological Committee?

114. DELEGATE OF ARGENTINA: Yes.

115. CHAIRMAN: Australia?

116. DELEGATE OF AUSTRALIA: Yes.

117. CHAIRMAN: Canada?

118. DELEGATE OF CANADA: No.

119. CHAIRMAN: Chile?

120. DELEGATE OF CHILE: Yes.

121. CHAIRMAN: Denmark?

122. DELEGATE OF DENMARK: Yes.

123. CHAIRMAN: France?

124. DELEGATE OF FRANCE: Yes.

125. CHAIRMAN: Netherlands?

126. DELEGATE OF THE NETHERLANDS: Yes.

127. CHAIRMAN: New Zealand?

128. DELEGATE OF NEW ZEALAND: No.

129. CHAIRMAN: Norway?

130. DELEGATE OF NORWAY: Yes.

131. CHAIRMAN: Peru?

132. DELEGATE OF PERU: No.

133. CHAIRMAN: United Kingdom?

134. DELEGATE OF THE UNITED KINGDOM: Yes.

135. CHAIRMAN: U.S.S.R.?

136. DELEGATE OF THE U.S.S.R.: Yes.

137. CHAIRMAN: United States?

137a. DELEGATE OF THE UNITED STATES: Yes.

138. CHAIRMAN: In accordance with our usual procedure the chairmen of these specific delegations will designate the members that are to sit on this *ad hoc* committee. These members will meet with the Technical Secretary of this Conference, Mr. Chaney, at the close of this session. Mr. Chaney will assign a room and the hours of the meeting.

139. Were there any other comments?

140. Let uslturn then to paragraph 9 of the Schedule, lines 85 to 89. The wording of paragrph 9 has been taken from Article VIII of the 1937 agreement, except that this proposal would extend the provision to cover all whales, not merely baleen whales. Those of you who attended the 1937 conference at London will recall that the original wording of Article VIII of the 1937 agreement was altered in the hope that Japan would adhere to that agreement. We were assured at the time that such an alteration would make it easier for the Japanese Government to adhere.

141. This paragraph is designed to prevent shore stations from taking migrating whales both on their way to and on their way from the calving ground. It would be preferable to specify certain closed seasons for whales in migration rather than forbidding any one station from taking whales both going to and coming from the calving ground. The past observations have not developed conclusive evidence as to what specific closed seasons would be of greatest benefit to the stocks.

142. Are there any comments?

143. MR. EDWARDS (Chile): With regard to Article IX, I would like to point out that this would have a very disastrous effect on our particular situation in Chile. Most of our catch of whales is sperm whales; only a minor part of it is baleen whales. We are totally dependent on whale catches for soap and therefore the effect of this clause would be to close down our plants during half of each year. As the amount of hunting that can be done in that region is limited by the nature of the land station, I would be inclined to suggest that Article IX be totally eliminated. I don't think that would materially affect this situation, because, as I say, the amount of baleen whales available and which could possibly be taken is very small. But it would very materially affect the economic situation in my country. Sperm whales don't enter into it. If this Article was maintained, at least there would have to be a reference to the baleen whale in order not to make all whaling during half the year totally prohibitive. Therefore, I would like to submit the suppression of Article IX.

144. CHAIRMAN: Thank you, Mr. Edwards.

145. If we may recess for just a moment here, I understand the Chilean Proposal, IWC/16, has been duplicated and is ready for distribution.

146. MR. EDWARDS (Chile): The original proposal is for the addition of the word "baleen". I now make a second proposal--that the whole paragraph be suppressed.

147. CHAIRMAN: Are there any observations by the various delegations?

148. MR. DOBSON (U.K.): When we had the advantages of examining this draft for the first time, we observed that the word baleen was omitted. It had been in the original Agreement and we made a note to raise the question of the insertion of the word baleen after the word treating. I would just like to ask at this stage if Mr. Edwards would be so kind as to say how far the insertion of the word baleen, which brings the clause precisely into line, as I understand, to what it was before, would meet the position of Chile.

149. MR. EDWARDS (Chile): If I may answer that question, it would mean that to a certain extent the effect would be that Chile would be able to hunt the sperm whale during all 12 months of the year, but would be limited as to the amount of time that it could hunt the baleen whale. Since having made the first suggestion, it has occurred to me that the amount of baleen whales that we would be able to catch would be so low that it would have no importance and therefore it would be simpler to drop the Article altogether.

150. CHAIRMAN: Thank you, Mr. Edwards.

151. MR. BERGERSEN (Norway): I hope the Delegate from Chile will not press this question too much. I think it would be very dangerous to drop this Article. But if he is sticking to his original proposal then we might take that into consideration.

152. CHAIRMAN: Thank you, Professor Bergersen.

153. MR. EDWARDS (Chile): Subject to consultation I would be prepared to let the matter stand as this first proposal indicates, but I would like to reserve the possibility of reopening the question should I receive instructions contrary, so I might accept provisionally, leaving the matter as it is indicated in the first proposal.

154. CHAIRMAN: Thank you, Mr. Edwards, this seems to be a matter of substance and it will be referred to the appropriate committee when this point is reached again.

155. Were there any other comments?

156. CHAIRMAN: Mr. Tverianovich (U.S.S.R.)

157. MR. TVERIANOVICH (U.S.S.R.): Mr. Chairman, we are sorry that our Delegation arrived late. The chairman of our Delegation, Mr. Bogdanov, and the other member of our delegation, Mr. Nikishin, will arrive shortly.

158. In addition to the matter of shore stations, I would like to bring to your attention the following matter. During the latter part of the gestation period and during

the nursing season, whales should be protected from whaling operations particularly in the waters of the southern Japanese islands, Korea, southern California, and Mexico. All whales should be protected on the calving grounds. It is the position of my Government that the taking of whales on the calving grounds should be prohibited.

159. CHAIRMAN: That again is a matter of substance which can be taken up by an ad hoc biological committee. Are there any further observations or comments?

160. If not, let us proceed with paragraph 10, lines 90 to 94. The wording of paragraph 10 has been taken from Article III, section 1 of the 1938 protocol. This Article was originally adopted to prevent factory ships from wiping out whales in their migrations to and from the calving grounds. Paragraph 10, viewed in connection with paragraph 3, lines 6 - 20, of the Schedule, provides reasonable interim protection of the whale stocks during their migrations and during the calving seasons.

161. In the longer view it is anticipated that when adequate scientific evidence as to migration routes, calving grounds, et cetera, is available this paragraph may possibly be amended to provide for closed areas, specific seasons, et cetera, rather than the present language. Any comments?

162. Mr. Edwards.

163. MR. EDWARDS (Chile): Do I understand this to mean that this refers only to baleen whales? In other words, can a factory ship that has been catching baleen whales south of 40° go north and hunt sperm whales.

164. CHAIRMAN: That is the language. It says it cannot be used for treating baleen whales elsewhere.

165. MR. EDWARDS (Chile): But it can treat sperm whales?

166. CHAIRMAN: It can, I believe, under the wording.

167. MR. EDWARDS (Chile): Should not some protection be afforded for the sperm whale?

168. CHAIRMAN: Again that is a matter of substance. I would like to have some comments from the different delegations as to whether that particular matter can appropriately be referred to the ad hoc biological committee that will consider the sperm whale and the sei whale or should we set up a separate committee to give consideration to matters of this sort.

169. Mr. Dobson.

170. MR. DOBSON (U.K.): Mr. Chairman, it seems to me that Mr. Edwards' point, which was, briefly, should not some protection be given to the sperm whale, is a matter which might well go to the Biological Committee without setting up another committee which might include precisely the same

people. I am sure this is fundamentally a scientific matter. I am sure it should go to a substance committee.

171. CHAIRMAN: Mr. Bergersen.

172. MR. BERGERSEN (Norway): I agree with Mr. Dobson. I think that the Biological Committee is very well suited to take up this question.

173. CHAIRMAN: Thank you, Professor Bergersen.

174. Were there any other comments? If not, let us proceed with paragraph 11, lines 95 to 104. Paragraph 11 combines the essential portions of Article VI of the Geneva convention and Article XI of the 1937 agreement. The purpose of this paragraph is to assure reasonably full production of primary products from all whales killed. Such provision shall apply in this conservation agreement, inasmuch as the needs for fats and oils is a major consideration in setting the catch limit so far above the limit which seems desirable from a conservation viewpoint. Are there any comments?

175. Professor Bergersen.

176. PROFESSOR BERGERSEN (Norway): I think that is a matter for the Drafting Committee to decide on the proper wording, if that meets with your approval. In my opinion, the wording is not quite clear regarding the meat. Mr. Knudtzon is a little more acquainted with this problem. Perhaps you will let him say a few words.

177. MR. KNUDTZON (Norway): I know that in 1938 a Norwegian who had been manager of an English factory ship was charged because he had given an order that lean meat should be thrown overboard. The English Court agreed with him. It should be understood that the rule will apply only when it is possible to get oil by the usual methods of boiling meat. The man in question got evidence that the meat did not contain more than 4 percent of oil, and if this is the case, you cannot get any oil out through the usual boiling methods.

178. In my opinion, it should be stated quite clearly, if it is the meaning, that all meat shall be cut up and put in apparatuses whether it is possible to get out the oil or not.

179. When this provision was introduced there was no thought on limitation of the catch and, therefore, it was of great importance because it made the process more complicated and reduced the activity of the factories. Now, however, when you have a total limit of the catch on a biological basis, I am not quite sure that it should have the same meaning. So I would suggest that this question be discussed by the Committee. Thank you, Mr. Chairman.

180. CHAIRMAN: Thank you, Mr. Knudtzon.

181. This question of lean back meat, it seems to me, should possibly be discussed or we would come into some sort of understanding in regard to it at one of the committees, possibly the Biological Committee.

182. I notice it is a little after 4:15. Suppose we take a recess for 15 minutes, in accordance with our procedure, and then come back to this question of lean back meat.

(The Conference reconvened at 4:46 p.m.)

183. CHAIRMAN: Will the Conference please come to order. We come back to the matter of treatment of lean back meat. Are there any further comments?

184. MR. EDWARDS (Chile): Is this paragraph 11 exactly the same as it was before?

185. CHAIRMAN: No, 11 is the combination of the essential portions of Article VI of the Geneva convention and Article XI of the 1937 agreement. In other words, it is more detailed.

186. MR. EDWARDS (Chile): But would the plant that had been operating in accordance with what went before be doing more or less the same thing from now on?

187. CHAIRMAN: I believe this would make no difference to a shore station.

188. MR. EDWARDS (Chile): I see.

189. CHAIRMAN: Correct me if I'm wrong, Professor Bergersen.

190. PROFESSOR BERGERSEN (Norway): That is right.

191. CHAIRMAN: Well, suppose then we take up paragraph 12, lines 105 to 110. The wording of paragraph 12 is taken from Article VIII of the 1938 protocol. This paragraph has an objective similar to paragraph 11. That is, assurance of a reasonable quantity of primary products from whales killed. Whales deteriorate more rapidly prior to being cut up on the flensing deck than they do afterwards, and in a large measure the quality of oil produced from a whale is dependent upon the amount of time elapsing between the killing and the processing of the whale. Thirty-three hours is deemed to be the maximum that a dead whale could remain in the water without deteriorating.

192. While the economic factors would serve to correct the major abuses in this connection, poor administration and wasteful practices, including the use of whales as fenders without processing them, have demonstrated the need for this measure. Any comments?

193. PROFESSOR BERGERSEN (Norway): We discussed this Article VIII very thoroughly and I'm sure there is no objection to its wording.

194. CHAIRMAN: Thank you, Professor Bergersen. I recall the conversations of the 1938 conference which were continued at the conference of 1939.

195. MR. THOMSON (U.K.): Mr. Chairman, with respect to the point on paragraphs 11 and 12 and to your reference just now to the use of whales as fenders--our industry has raised the point about the processing of whales used as fenders, which they say is impossible as the condition of the whale is such that it cannot be treated. I believe there was a point raised some time ago with regard to the using of blue whales as fenders during the voyage to the Antarctic or possibly from the Antarctic. This constituted a definite infringement of the provisions of the various whaling agreements, but I wasn't certain whether your remarks just now related to that practice or whether you were talking only of whales taken during the open season. Perhaps you will be kind enough to clarify that for us.

196. CHAIRMAN: Thank you, Mr. Thomson. Again let me step out of character and say that it is my recollection that Chairman Maurice went into this matter at some length and it was his belief and he stated that the factory ships should make some provision other than using whales as fenders. He made particular reference to the use of whales as fenders before the commencement of the season when the factory ship sends out catcher boats on scouting expeditions. At that time I think it was the understanding of the Conference that steps would be taken either to eliminate the use of whales as fenders or to provide that in the event that whales were used as fenders they would be processed within the 33-hour limit. If I'm mistaken, please correct me.

197. MR. THOMSON (U.K.): Mr. Chairman, I am told by our adviser here that so far as the British fishing industry is concerned they have never been instructed by the Government of the United Kingdom with regard to this point and they have continued to use whales as fenders and have included them in their returns as having been so used without any comment having been made. It looks, therefore, as if whatever was said at the earlier conferences has not perhaps been implemented by our regulations and it is a point that we should have to look into again.

198. CHAIRMAN: Thank you, Mr. Thomson. Professor Bergersen has called my attention to the agreement that was reached in 1939. I will now quote from Article V, section 1:

199. "The Conference resolved to recommend:

> That all signatory Governments should draw the attention of their inspectors and of the whaling companies operating under their flags to the following facts:
>
> That in the past many cases have occurred of infringement of Article VII of the International Whaling Agreement of 1937 on the pretext of providing fenders for the bunkering of whale boats.

That in future any person responsible for taking baleen whales out of season for use as fenders in connection with bunkering whale catchers will be prosecuted for an infringement of the law.

That if it is desired to send whale catchers long distances in the open sea before the commencement of the whaling season suitable arrangement must be made for bunkering them without the use of whale carcasses, such as by the supply of the efficient artificial fenders or of hoses for use whilst in tow of the factory ship, and that the reasonable seamanlike precaution must be taken in good time of using this bunkering apparatus before the catchers become very short of fuel in view of the ever present possibility of a sudden gale."

200. MR. THOMSON (U.K.): Mr. Chairman, I think that very little action has been taken on that resolution because, as you know, these resolutions were taken quite shortly before the outbreak of war, but I think that as this resolution is drafted it only refers to specific uses of whales as fenders, namely, the use of those taken out of season and also to their use when whale catchers are sent long distances. And I am assured that our whaling industry is very careful not to begin such practice and we will take steps to instruct our inspectors on the point when next they are going to the Antarctic whaling grounds.

201. CHAIRMAN: Thank you, Mr. Thomson, is this not a matter that can be clarified in drafting?

202. MR. THOMSON (U.K.): Yes, Mr. Chairman, I think so.

203. CHAIRMAN: May we not wish to put it in the Final Act?

204. MR. THOMSON (U.K.): We will have an attempt at it.

205. CHAIRMAN: Thank you. Were there other comments?

206. Let us proceed with paragraph 13, lines 111 to 116. The wording of paragraph 13 is taken from the first half of Article XIII of the 1937 agreement. You will note here that the last half of Article XIII of the 1937 agreement appears in lines 183 to 187. That is, paragraph (a), section 3, of Article VI of this convention. Paragraph 13 is a method of assuring that the basis for payments to crews does not tend toward violations of whaling agreements.

207. Are there any comments?

208. Dr. Van Dijk.

209. MR. VAN DIJK (Netherlands): Mr. Chairman, we think that the words "to a considerable extent" are rather weak and

we think it better that the words "considerable extent" do not take the character of a recommendation, American way or English way. We think it much better that we have a stronger regulation on this point.

210. CHAIRMAN: Thank you, Dr. Van Dijk. That is another matter on which other countries may wish to speak and which undoubtedly a drafting committee and possibly a subsequent ad hoc committee will have to give further consideration. I wonder at this stage if we should set up an ad hoc committee that will give consideration to this matter. I think that the United States may have something to say on that matter and possibly some others may have changes in mind. Would it meet with the approval of the Conference to put a committee at work on paragraph 13 for matters of substance?

211. Mr. Dobson.

212. MR. DOBSON (U.K.): I do not for a moment dissent from your proposal, but if you are going to adopt that, may I suggest that at the same time you consider the somewhat kindred subsequent paragraph 14?

213. CHAIRMAN: Certainly.

214. MR. DOBSON (U.K.): I want to suggest that this paragraph imposes a lot of work by requiring information on forms which may or may not be looked at when they come in. This fact is very strongly pointed out to us by industry. I want to recommend, therefore, that the Conference agree in the Final Draft to eliminate paragraph 14 altogether. I am quite willing that it should go for further consideration to the ad hoc committee that you suggested.

215. CHAIRMAN: Thank you, Mr. Dobson.

216. MR. FLORY (U.S.): Just a legal point on that, Mr. Dobson. My understanding is that the obligation to report in accordance with the provisions of the 1937 agreement would still run so long as the various governments are parties to the 1937 agreement.

217. CHAIRMAN: Thank you, Dr. Flory.

218. Were there other comments?

219. Dr. Van Dijk.

220. DR. VAN DIJK (Netherlands): Mr. Chairman, we quite agree with the proposal made by Mr. Dobson as to the elimination of paragraph 14 and we think that it should be left to the government itself to have a certain control on the remuneration of the gunners.

221. CHAIRMAN: Thank you, Dr. Van Dijk.

222. I think this raises a legal question. The requirement is contained in a previous agreement to which the

Netherlands is now a party and unless the Netherlands denounces that agreement it would remain in force under the old agreement.

223. MR. DOBSON (U.K.): May I ay a word on this?

224. CHAIRMAN: Yes, Mr. Dobson.

225. MR. DOBSON (U.K.): I may be under a misapprehension but surely if we adopt this new convention there will have to be some termination clause which automatically brings to an end all the previous conventions which it replaces. As in the British Acts of Parliament, an amending act will contain a clause saying that, as from the date of the coming into force of this act, various other acts stated in the Schedule are automatically repealed.

226. CHAIRMAN: Thank you, Mr. Dobson.

227. Dr. Van Dijk.

228. DR. VAN DIJK (Netherlands): Mr. Chairman, we understood that the convention might be a new convention whereby we could drop certain regulations and adopt other regulations. I cannot see why you should say that the Netherlands Delegation should in one or another way denounce from the former convention. Thank you.

229. CHAIRMAN: Thank you, Dr. Van Dijk.

230. Dr. Flory.

231. MR. FLORY (U.S.): In the development of this proposal, of course, we recognized the fact that in certain respects this new convention might at the time it comes into effect, or is subsequently amended by the Commission, be in conflict with previous conventions. At the 1945 conference we went quite thoroughly--I believe the South African Delegate took a leading part in the discussion--into the question of the effect of a provision of an agreement which constituted a relaxation of a previous agreement. It was our hope that the U.S. Proposals could suggest a solution whereby the various governments could withdraw from the previous conventions as the new long-run agreement became effective, but U.S. Proposals now leave to each government the decision as to when it should denounce previous agreements. I believe that the present proposals contain only one relaxation of any of the previous agreements; that relaxation relates to the definition of a land station, which was adopted at the 1945 conference. It appears that any government wishing to take advantage of a relaxation contained in the Proposals, while still bound by the previous agreement, which is more restrictive, might denounce the previous agreement without requiring all other parties to the proposal to take similar action.

232. In other words, the following points were considered in drafting the entry-into-force provision of the Proposals:

1. It is desirable that the previous agreements do not cease to become binding before the entry into force of the long-range agreement.

2. It would be difficult for any government to assure that denunciation of the previous agreements would be simultaneous with entry into force of the long-range agreement. It is necessary to take into account the terms of the denunciation provisions of earlier agreements and the entry-into-force provisions of the long-range agreement. It was felt that arranging appropriate timing might be too difficult, especially for the first governments which ratify the long-run agreement.

3. If the Proposals could avoid requiring a government to denounce previous agreements as a condition of entry into force of the long-run agreement, it would simplify matters. Further, there would seem to be no objection to concluding an agreement which contains relaxations of previous regulations, providing that government does not act in violation of any of the agreements.

233. Thus, as presently drafted, the Proposals would, I believe, leave to each government the decision as to when it shall denounce previous agreements in order to take advantage of relaxations which may be permitted under the long-run agreement. There would appear to be no legal objection to having the long-run agreements effective concurrently with any of the previous agreements, providing any government does not act, and I stress the word act, in violation of any of the agreements.

234. CHAIRMAN: Thank you, Dr. Flory.

235. If there are no further comments, it seems to me the next step will be to consider the appointment of a committee on substance to consider paragraphs 13 and 14 of this Schedule. I will now poll the delegations and request them to state whether or not they desire representation on this ad hoc committee.

236. Argentina?

237. DELEGATE OF ARGENTINA: Yes.

238. CHAIRMAN: Australia?

239. DELEGATE OF AUSTRALIA: Yes.

240. CHAIRMAN: Canada?

241. DELEGATE OF CANADA: No.

242. CHAIRMAN: Denmark?

243. DELEGATE OF DENMARK: May I ask what kind of committee this is?

244. CHAIRMAN: This is an ad hoc committee to consider the wording and the intent of, or the elimination of, paragraphs 13 and 14 of this Schedule. It is a committee on substance.

245. DELEGATE OF DENMARK: Yes, I should like to be a member of that committee.

246. CHAIRMAN: Chile?

247. DELEGATE OF CHILE: No.

248. CHAIRMAN: France?

249. DELEGATE OF FRANCE: No.

250. CHAIRMAN: Netherlands?

251. DELEGATE OF NETHERLANDS: Yes.

252. CHAIRMAN: Norway?

253. DELEGATE OF NORWAY: Yes.

254. CHAIRMAN: Peru?

255. DELEGATE OF PERU: No.

256. CHAIRMAN: United Kingdom?

257. DELEGATE OF UNITED KINGDOM: Yes.

258. CHAIRMAN: U.S.S.R.?

259. DELEGATE OF U.S.S.R.: We will give a definite answer later.

260. CHAIRMAN: The United States will be represented.

261. Mr. Chaney will now read off the names of the delegations that have signified their intention of being represented on this ad hoc committee.

262. MR. CHANEY (Technical Secretary): The names of the countries desiring representation on the named committee are as follows: Argentina, Australia, Denmark, Netherlands, Norway, United Kingdom and United States; and U.S.S.R. reserves its position at the moment.

263. CHAIRMAN: Thank you, Mr. Chaney.

264. In accordance with the procedure we outlined before, if each delegation will at the close of this session submit to Mr. Chaney the name of its representative, he will designate the room and come to some agreement as to the hour of the meeting.

265. I will review paragraph 14, since we have not come to it as yet. It includes lines 117 to 121. Except for

line 117, the wording of paragraph 14 is essentially that of Article XIV of the 1937 agreement. This involves reports to the Commission on payments to crews. Since we have it covered by the appointment of a committee, we may very well pass on to paragraph 15, lines 122 to 145.

266. Lines 122 to 133, inclusive, of Paragraph 15, have, except for line 122 and a portion of line 124, the same wording as Article XVI of the 1937 agreement. Lines 134 and 135 are new, but are based on resolution 3 adopted at the final meeting of the 1945 conference. Lines 136 to 138 are essentially the same as the last part of the first paragraph of Article XVII of the 1937 agreement. The wording of lines 139 to 145 is taken from the last paragraph of Article XVII of the 1937 agreement. The intent of this paragraph is to provide for reports on the vessels and shore stations engaged in whaling operations.

267. Are there any comments?

268. MR. THOMSON (U.K.): Mr. Chairman, there is just one small point upon which I should like some information for the benefit of the British Delegation. It is with regard to lines 141 and 142 where the word tonnage appears. Tonnage, of course, in various countries, has a large number of different meanings. We, in the United Kingdom, have gross tonnage, net tonnage, registered tonnage, and displacement tonnage; I think there may be more, but those are quite enough to complicate things from our point of view. We should very much like that the view of the Conference be taken as to which would be the best measure to adopt so as to get uniformity in the transmission of this information. Otherwise, some countries may be transmitting net tonnage and others may be transmitting gross, and so on, thus rendering comparison absolutely useless.

269. I think, speaking for the British Delegation, that we should prefer gross tonnage, but we are rather anxious to hear what the views of other Delegations might be.

270. CHAIRMAN: Thank you, Mr. Thomson. That is a point that has occurred to me many times. I note that some countries use dead weight, others use gross. I believe the United States uses them all. Is that correct, Captain Moore?

271. MR. MOORE (U.S.): Yes.

272. CHAIRMAN: I think it would be desirable to hear the views of the various delegations and then let us insert into this paragraph what we mean by tonnage.

273. MR. BERGERSEN (Norway): We agree with Mr. Thomson.

274. CHAIRMAN: Thank you.

275. MR. VAN DIJK (Netherlands): We agree also with Mr. Thomson. We should prefer the words "dead weight".

276. CHAIRMAN: Argentina?

277. MR. IVANISSEVICH (Argentina): Argentina also agrees with England, gross tonnage.

278. MR. BERGERSEN (Norway): Mr. Chairman, I think we should stick to Mr. Thomson's observation. We can't give the dead weight on the catchers.

279. MR. VAN DIJK (Netherlands): Quite right.

280. CHAIRMAN: Captain Moore, would you like to say anything at this point?

281. Mr. Thomson has informed me that gross tonnage would be agreeable to the United Kingdom. Are there any other comments or objections? If not, we could insert the words "gross tonnage" and simplify the drafting. Then, line 141 (a) will read as follows: "the name and gross tonnage of each factory ship", and line 142 (b) "the number and aggregate gross tonnage of the whale catchers".

282. Is that agreed?

283. Let us turn to paragraph 16.

284. MR. VAN DIJK (Netherlands): Mr. Chairman, in lines 133 to 138, I see that a notification should be made to the Commission. Now, as far as we see, this thing applies especially to biological questions. We think it better, therefore, that the notification should not be made to the Commission but only to a body like the International Council for the Exploration of the Sea. It is not necessary that the Commission have members who are dealing with only biological purposes. I think that there might be other questions which are not in relation with biological questions, and, therefore, we prefer that the notification should be made to the International Council for the Exploration of the Sea, which, as you know, has a committee on whaling.

285. CHAIRMAN: Thank you, Dr. Van Dijk.

286. MR. DEASON (U.S.): Many of the signatories to the previous whaling agreements are not members of the International Council for the Exploration of the Sea. It was the intent, I believe, in the United States Proposals not to interfere with the reporting of biological information to any international organization or other body. There is a provision in the proposed convention requiring that reporting be to the Commission or to any other agency that the Commission may designate. Dr. Gabrielson in commenting on this point this morning indicated that the Commission would have need for all of the biological information it could obtain from all possible sources, in order that it might take such information into consideration at the time amendments to the various provisions of the Schedule were taken up.

287. CHAIRMAN: Thank you, Dr. Deason.

288. MR. DOBSON (U.K.): May I make an observation on this? I would call attention to the fact that under the Geneva convention the documents regarding statistics and

also some of the scientific documents have to go to the International Bureau for Whaling Statistics. Therefore, we mustn't eliminate that no matter what we do here. But on the other point, it occurs to me that I ought also to mention the International Council for the Exploration of the Sea, which Mr. Van Dijk has mentioned. I happen to be the senior vice president of this Council and I wouldn't like to commit them here and now to something which I think they might find rather embarrassing. However, is it not a fact that we have in earlier provisions of this Draft Convention put upon the Commission the receipt of other scientific data? If so, I think that the draftsmen would have put this in for that reason.

289. CHAIRMAN: Thank you , Mr. Dobson. That is in Article VII that Mr. Dobson has referred to.

290. Are there any additional observations? If not, let us proceed with paragraph 16, lines 146-199. The wording of the definitions under paragraph 16, except for lines 150-152, 157-159, 171-175, and 197-199, is taken from Article XVIII of the 1937 agreement. The additional wording to the definition of a "factory ship", lines 150-152, brings this definition now into harmony with section 3 of Article VI of the 1945 protocol. At the request of the Government of France, this alteration was made in 1945 to cover whaling operations in Madagascar. Similarly, the same alteration in the wording has been made in lines 157-159 under the definition of "land station". The definition of "sei whale" in lines 171-175 was taken from section 2 of Article VI of the 1945 protocol. Lines 197-199 are based on resolution 3 adopted at the final meeting of the 1945 conference. The definition of "length" has been expanded to include the requirement that the measurement is to be taken while the whale is at rest on the deck or a platform. This was aimed at the practice of taking the measurement of a whale while it was being hauled up the slipway.

291. Are there any comments?

292. MR. DOBSON (U.K.): Yes.

293. CHAIRMAN: Mr. Dobson.

294. MR. DOBSON (U.K.): Mr. Chairman, I just want to raise the question of the application of these definitions as a whole. I gather that they have been included quite purposely at the end of the Schedule; but actually some of the expressions do occur in the main body of the Convention. I don't want to libel the British procedure, which may be quite wrong, and I don't want to cut across the United States procedure; but we usually put the provisions dealing with definitions in interpretations in an Act of Parliament at the end of the Act. The Schedule comes quite separately. If I am right in this thing I would like the United States Delegation to ask the draftsmen whether there is any reason why they shouldn't go in front of the schedule instead of the end.

295. CHAIRMAN: Thank you, Mr. Dobson. Mr. Flory.

296. MR. FLORY (U.S.): The question is one of drafting and also one of substance. It boils down to the simple query: should the definitions be susceptible of amendment by the informal process or only by the formal process of concluding another protocol?

297. MR. DOBSON (U.K.): I understand.

298. CHAIRMAN: Thank you, Dr. Flory. Mr. Edwards.

299. MR. EDWARDS (Chile): I should like to ask a question about the definition of a "land station". As I understand this clause, it includes a factory vessel. "Land station", under certain circumstances, was put in at the request of France for operation in Madagascar. I was thinking that perhaps this could be limited to that place, because it seems conceivable that such a definition could cause trouble to existing land stations other than those. What would be the objection to putting that down in the clause?

300. CHAIRMAN: Thank you, Mr. Edwards. Dr. Flory?

301. MR. FLORY(U.S.): It was the understanding of the Conference, I believe, at the time of drafting the 1945 agreement, that a factory ship operating exclusively in the territorial waters of the nation whose flag the vessel flies should be considered a land station, although it was designed for application to the waters of Madagascar at the request of France. It is generalized, rather than specific, language. I am not at all clear as to what specific complications would arise if this language is continued and is applied to all nations--not to the Madagascar territorial waters alone. Our general understanding is that the admissibility to territorial waters is a question to be decided by the country having jurisdiction over territorial waters.

302. CHAIRMAN: Thank you, Dr. Flory. Mr. Edwards.

303. MR. EDWARDS (Chile): It is conceivable that a foreign organization could have a ship under the flag of a country that would be operating in those waters. Such a situation is not likely, but it might arise. And there is a further question: if the ship operates in territorial waters, do the catchers operate only in territorial waters?

304. CHAIRMAN: Thank you, Mr. Edwards. Possibly, I should reply to that.

305. In the past, we have been led to believe that most whale catchers operate from shore stations and operate within a range of 40-150 miles. The intent was that these factory ships would be of the registry, or fly the flag, of the territorial waters of the countries designated. In other words, it would not be possible for a foreign flag to come into the territorial waters of a contracting government without its permission. It is my recollection that a provision has been included in previous agreements that would prevent transfer of registry from one country to another without the consent of the other governments parties to the agreement. Mr. Thomson, can you read the language of the provision to us?

306. MR. THOMSON (U.K.): Mr. Chairman, the question of transfer of the registry did not appear in any of the actual agreements, but I think it is referred to in some of the final acts. I think the reason why it was excluded from the agreements was that at that time, certainly the United Kingdom, and possibly other signatories, had not

the power to prohibit the transfer of a flag. We are hoping to get that power shortly. We had it in the war, and it is proposed, I think, by our Ministry of Transportation to embody it into our peace legislation.

307. CHAIRMAN: The provision is found in paragraph 9 of the final conference of 1937.

308. MR. THOMSON (U.K.): That is the paragraph which I had in mind.

"The Conference further recommends that the contracting Governments should take steps to prevent this Agreement and any regulations made thereunder from being defeated by the transfer of ships registered in their territories to the Flag of another Government not a party to this Agreement, and suggests that for this purpose it might be provided that the transfer of a factory ship or whale catcher from its national Flag to the Flag of any other country should be permitted only under license of the Government.".

309. That provision was made to meet a specific case. I am not quite sure of the name of the company to which the ship involved belonged, but I think the ship was transferred to the flag of Panama which, at that time, was not a party to the whaling agreements; and it is not a party now.

310. Mr. Chairman has drawn my attention to the final act of the 1945 conference, where a resolution was passed that the various governments should take all practical steps to prohibit the sale, loan, or delivery of vessels, equipment, or supplies, designed especially for whaling operations or that are known to be intended for such operations, to any government, or the nationals of any government, that is not a party or signatory to the whaling agreement of 1937. We have been looking at that clause, and we are not quite satisfied that it meets the question of transfer of flag. It says: "The sale, loan or delivery of vessels...". Well, the particular case that we had in mind and which led to the paragraph in the actual act of 1937 did not involve a change of ownership to the vessel. She was not sold. She was not lent or delivered to another country; or rather, at any rate, she did not pass out of the possession of the operating countries. The operating company transferred its place of business in London abroad and, as far as I know, retained ownership of the vessel. If, at a later date, we come to consider the question which has already been raised as to whether some clause of this kind should be included in the present Convention, or at any rate in the Final Act of this Conference, we are going to move that the word "transfer" should be added, as well as the words "sale, loan or delivery". We regard that as a drafting point, which we will deal with later. But we are not satisfied as the clause stands in the 1945 resolution.

311. CHAIRMAN: Thank you, Mr. Thomson.

312. MR. BERGERSEN (Norway): Mr. Chairman.

313. CHAIRMAN: Mr. Bergersen.

314. MR. BERGERSEN (Norway): I agree with Mr. Thomson. I am instructed from my Government to make this proposal. It is possible to have this paragraph in the final act from the last conference included in ours.

315. CHAIRMAN: Thank you, Professor Bergersen.

316. MR. EDWARDS (Chile): Mr. Chairman, I am not sure that the present state of the transfer of ships quite meets the case to which I refer. Such a situation might arise even if the governments involved were parties to the agreement. I therefore move that this part of the definition should mention the specific case from which it was created and should not apply elsewhere.

317. CHAIRMAN: Thank you, Mr. Edwards.

318. That again is a matter of clarification that will be taken up by the Drafting Committee.

319. MR. ANDERSON (Australia): We are discussing the definition of a land station. We seem to be getting into the question of the transfer of ships. This definition is altogether too wide. It simply means that a factory vessel could be anchored in territorial waters, could be in the Antarctic and could have all the privileges the land station is entitled to. I do not think it would be fair to allow a factory ship to proceed on its own power. It should be a floating factory, not a vessel proceeding as a factory ship into the Antarctic or other waters. I think a limitation should be added: "which is not capable of proceeding under its own power". It would then make it economically impossible to float such a ship into the Antarctic or into other waters, unless such waters were quite close to where an ordinary land station could have been operated or where, on account of natural difficulties, it would be impossible to have a land station. It would be suitable to have a floating factory but not one which is capable of competing against the ordinary factory vessel.

320. CHAIRMAN: Thank you, Mr. Anderson.

321. MR. ANZIANI (France) (Interpretation): Last year when we asked that this definition of a land station be adopted we explained the economic and climactic reasons particularly affecting the exploration of the natural wealth along the coast of Madagascar. Also, there was involved the world shortage of fats and oils. The conference was good enough to accept the reasons. It is not a question of transfer of flags; it is only a matter of giving to the world and to France, which is lacking fat, a new economic possibility.

322. CHAIRMAN: Thank you, Mr. Anziani.

323. I think the earlier discussion and the resolution were taken into account in the drafting of paragraph 16 of this schedule.

324. MR. ANDERSON (Australia): Could I draw your attention again to the expression "land station", which for the purpose of the present protocol should define a factory ship as being a ship, the movements and anchorage of which are confined to the territorial waters of any contracting government. I think if this is maintained that we won't have any question.

325. CHAIRMAN: Thank you, Mr. Anderson, that shall be taken into consideration by the Drafting Committee.

326. Are there any further comments?

327. If not, let us proceed with the Annex, pages 27 to 29. This is a drafting resolution for acceptance by the Food and Agriculture Organization in accordance with the provisions of Article II of the convention. It provides that the Food and Agriculture Organization will service the commission and will assist the commission in the performance of the functions by providing funds and by providing the secretariat. The commission will serve in an advisory capacity to the FAO in matters relating to whaling, in addition to carrying out the functions and duties which would be imposed on it by this proposed convention.

328. Any comments?

329. MR. DOBSON (U.K.): I very much hesitate to intervene on this matter but I have made it quite clear to the Conference what the instructions of the British Government are on this matter generally. They are recorded in the minutes of yesterday's meeting. Certain other delegations have, I understand, had to refer back to their governments for instructions on this point. I am wondering, therefore, in view of the fact that there is at least some indefinity about the precise wording, whether the resolution should be taken up by the conference at this moment. I am wondering if this might not be deferred for a later moment when people are a little clearer. It is just conceivable that, along the lines of my early instructions which don't cut out the FAO, a resolution of this kind would be found necessary of incorporation in the actual convention which we are discussing.

330. CHAIRMAN: Thank you, Mr. Dobson.

331. MY HAYES (U.S.): I would like to support Mr. Dobson's comments. It seems to me well established that a number of delegations have not had their attention drawn specifically to this point before they came to Washington. I assume a number of them may be contacting their governments to obtain instructions on this point. I would, therefore, re-echo this suggestion of Mr. Dobson's, that this matter be postponed until a later part of our conference

after the other matters in the proposed convention have been dealt with. It seems to me that it would be pointless at the present time to go through the annex which merely implements section 5 of Article II unless we are now in agreement that the commission should be brought into this relation with FAO. If we are in agreement then we could well discuss the method. In other words, is the proper method discussed in the Annex? But, since we presumably are not in agreement on this question and some are still seeking the instructions of their governments, it seems to me appropriate that we postpone discussion of this particular question at the moment.

332. CHAIRMAN: Thank you, Mr. Hayes.

333. It seems to me that this matter is going to entail considerable discussion. I wonder if the Conference would agree to appoint an ad hoc committee to consider paragraph 5 of Article II and the Annex and their implications. After the delegations have received the advice of all the participating governments, the committee can report back to the Conference.

334. In that way the Conference will be saved considerable time and effort. Will the Conference agree to the appointment of a committee to consider paragraph 5 of Article II and the Annex?

335. Do we need a formal motion to this effect? I am willing to put such a motion.

336. MR. DOBSON (U.K.): I would be willing to second it.

337. MR. HAYES (U.S.): I move that the Chairman appoint a special committee to consider the questions raised by paragraph 5, Article II, and the Annex.

338. CHAIRMAN: I think this would be the simplest procedure for all of us and unless there is some objection, we will appoint such a committee.

339. Is there any objection?

340. MR. TVERIANOVICH (U.S.S.R.) (Interpretation): Mr. Chairman, again we offer our apologies for being late to the Conference. We should like a clarification of paragraph 1, page 16. That relates to the catching of grey and right whales. We would like to know whether the prohibition with respect to killing grey whales is still in force?

341. CHAIRMAN: According to the agreements now in force, the killing of grey whales and right whales is prohibited. The thing behind this article is that both of these species are in immediate need of all the protection that we can give them. They are now so depleted in number that unless we take certain precautions the stock of both probably will be exterminated within a very short time.

342. MR. TVERIANOVICH (U.S.S.R.) (Interpretation): If the Conference has provisionally passed this point, we still would like to make this observation. It concerns our northern natives or aborigines, who are located in the Karjakskoe and Chukotskoe regions and take whales in the Bering and Chukotsch Seas. These natives kill whales for food, as whales and other sea animals are the chief source of their sustenance.

343. Our Government would like to protect the interests of these natives and permit them to catch a limited number of whales. Our Government knows that these natives will not catch many whales.

344. CHAIRMAN: I should point out that this schedule applies to commercial whaling. In the Geneva convention, aborigines and natives are specifically excluded from the terms of this agreement. This agreement applies to commercial whaling.

345. MR. TVERIANOVICH (U.S.S.R.) (Interpretation): Thank you.

346. CHAIRMAN: Dr. Flory.

347. DR. FLORY (U.S.): Under the terms of paragraph 1 of the proposals on page 3, it is provided that the present convention applies to factory ships and whale catchers and land stations. Under that definition, as we interpret it, the Convention would not cover killing by aborigines--not on a commercial basis.

348. CHAIRMAN: I think it is generally agreed that the aborigines take very few whales with their primitive equipment, and that the effect that they might have on whaling would certainly be negligible.

349. Professor Bergersen, would you care to comment?

350. MR. BERGERSEN (Norway): It is quite clear as you have stated it.

351. CHAIRMAN: Well, it is now about six o'clock. Let us appoint this committee.

352. Argentina?

353. DELEGATE OF ARGENTINA: No.

354. CHAIRMAN: Australia.

355. DELEGATE OF AUSTRALIA: Which committee is this?

356. CHAIRMAN: This is the committee to consider section 5 of Article II and the Annex.

357. DELEGATE OF AUSTRALIA: Yes.

358. CHAIRMAN: Canada.

359. DELEGATE OF CANADA: Yes.

360. CHAIRMAN: Chile.

361. DELEGATE OF CHILE: No.

362. CHAIRMAN: Denmark.

363. DELEGATE OF DENMARK: Yes.

364. CHAIRMAN: France.

365. DELEGATE OF FRANCE. Yes.

366. CHAIRMAN: Netherlands.

367. DELEGATE OF NETHERLANDS: Yes.

368. CHAIRMAN: Norway.

369. DELEGATE OF NORWAY: Yes.

370. CHAIRMAN: Peru.

371. DELEGATE OF PERU: No.

372. CHAIRMAN: United Kingdom.

373. DELEGATE OF UNITED KINGDOM: Yes.

374. CHAIRMAN: U.S.S.R.

375. DELEGATE OF U.S.S.R.: Yes.

376. CHAIRMAN: United States.

377. DELEGATE OF UNITED STATES: Yes.

378. CHAIRMAN: Mr. Chaney, the Technical Secretary, will repeat the Delegations who wish representation on this committee.

379. MR. CHANEY (Technical Secretary): The names of the countries wishing representation on this Committee are as follows: Australia, Canada, Denmark, France, Netherlands, Norway, United Kingdom, U.S.S.R., United States.

380. CHAIRMAN: Thank you. If the heads of each delegation will submit to the Technical Secretary the name or names of the representatives they wish on this Committee, he will designate a room and schedule an hour for meeting.

387. I have one or two announcements that I think should be made before closing. The first is the visit to Mt. Vernon on Sunday, November 24. Arrangements have been made for all participants in the International Whaling

Conference to visit Mt. Vernon, the home of George Washington, on Sunday, November 24. Buses will be available for this trip. Participants are requested to assemble in the first-floor lobby of the Conference Headquarters Building at 1:15 p.m. in order that buses can leave at 1:30. The buses will leave Mt. Vernon at 5:30 p.m. for the return trip.

387. Each participant desiring to make this trip is requested to sign the notice, Administrative/2, and turn it in to the administrative desk of the Foyer before noon, Friday, November 22.

383. Those participants desiring to have their wives accompany them will so indicate by writing "yes" on the second line of the form.

384. I wish to repeat again that the Norwegian Delegation has kindly consented to show a film on Antarctic whaling. It will be shown this evening at eight o'clock at the Auditorium Building at 1901 New York Avenue. You walk two blocks west from this building and turn south two blocks. Follow the O.S.S. projection room signs and walk up the stairs.

385. Mr. Dobson.

386. MR. DOBSON (U.K.): May I ask one question. Your authorities have been very good in supplying very quickly the minutes of previous meetings. I cannot find anything in the procedure which gives any guide on this question. None of us wants to cause a lot of copying, but do you want these revised and handed back if there are any essential alterations to be made? I see they are going to be retained and some of them will be in your archives.

387. CHAIRMAN: Thank you, Mr. Dobson. I believe we noted on a previous occasion that all Delegations were requested to turn in corrections, and I believe the procedure of the Documents Officer is to prepare a list of such corrections.

Here is the exact wording that we gave the other day: "If any Delegation wishes to suggest any corrections, these can be put up to the Conference and if accepted the corrections will be made by addenda to the minutes." I think this is a very simple matter.

388. Unless there is any objection, this session is now adjourned.

389. (Meeting adjourned at 6:08 p.m.)

DONALD J. CHANEY
Technical Secretary

- END -

RESTRICTED
Corrigendum A
IWC/22

November 23, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM A

MINUTES OF FOURTH SESSION

November 21, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 3

19. MR. POWLES New Zealand): With reference to Article V, I should like to say that if it is proposed to change it in any way, I should like to have something to say with reference to the change at a later stage. It may be possible that it would be advisable for me to seek instructions. Perhaps the United Kingdom might be in the happy position of not needing to seek instructions on it, but I might have to do so. This would indicate that any proposed change ought to be suggested fairly early.

Page 11

87. CHAIRMAN: Thank you, Professor Bergersen.

- END -

RESTRICTED
Corrigendum B
IWC/22

November 25, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM B

MINUTES OF FOURTH SESSION

November 21, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 28

294. MR. DOBSON (U.K.): Mr. Chairman, I just want to raise the question of the application of these definitions as a whole. I gather that they have been included quite purposely at the end of the Schedule; but actually some of the expressions do occur in the main body of the Convention. I don't want to labor the British procedure, which may be quite wrong, and I don't want to cut across the United States procedure; but we usually put the provisions dealing with definitions in interpretations in an Act of Parliament at the end of the Act. The Schedule comes quite separately. If I am right in this thing I would like the United States Delegation to ask the draftsmen whether there is any reason why they shouldn't go in front of the schedule instead of the end.

Page 32

329. MR. DOBSON (U.K.): I very much hesitate to intervene on this matter but I have made it quite clear to the Conference what the instructions of the British Government are on this matter generally. They are recorded in the minutes of yesterday's meeting. Certain other delegations have, I understand, had to refer back to their governments for instructions on this point. I am wondering, therefore, in view of the fact that there is at least some indefinity about the precise wording, whether the resolution should be taken up by the conference at this moment. I am wondering if this might not be deferred for a later moment when people are a little clearer. It is just conceivable that, along the lines of my early instructions which don't cut out the FAO, a resolution of this kind would not be found necessary of incorporation in the actual convention which we are discussing.

- END -

RESTRICTED
Corrigendum C
IWC/22

November 26, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM C

MINUTES OF FOURTH SESSION

November 21, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 5

40. MR. BERGERSEN (Norway): Yes, I do. I think we have considered this in our previous conventions; and I am quite sure that you will agree with me that it will be the best thing to have approximate limits, a starting date, and a closing date. I think that to start with we could say that the season from the fifteenth of December to the fourteenth of March would be a pretty good guess.

Pages 7-8

62. MR. BERGERSEN (Norway): I agree with the Chairman that 16,000 blue whale units is pretty high. From my study of the figures, covering last year's catch on operations in their entirety, I got the impression that the figure is pretty high, but I will make no proposal. I think, as the Chairman has said, that we have to stick to this figure, 16,000 blue whale units.

63. There is one small point which I wish to mention here. When we in 1944 introduced the 16,000 blue whale units, it was understood that this figure applied to pelagic whaling. Perhaps it is not enough to say south of 40 degrees south latitude, but perhaps we should say the number of baleen whales caught through pelagic whaling in any waters south of 40 degrees south, if that is right. That is all.

(2 pages)

Page 10

86. MR. BERGERSEN (Norway): The sei whale of 40 feet, as proposed by you, is a new item, and I don't know if we have data enough to be quite sure. Personally, I feel we should have a little more time to consider this question, and I wish Dr. Kellogg, Mr. Mackintosh, and Mr. Paulsen would look into this question. The Norwegian Delegation, I think, will be prepared to adopt this proposal with regard to the pelagic whaling.

Page 11

88. MR. BERGERSEN (Norway): But let us think a little on the subject of land stations all around the world. I think we shall have some unnecessary trouble if we stick to the 40-foot limit for the land stations. I think we must use the old formulation and say that if it is used for human or animal consumption we must not go into it further than the 35 feet. It is my impression that we would save very much trouble if we would take this attitude.

-END-

RESTRICTED
Corrigendum D
IWC/22

November 27, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM D

MINUTES OF FOURTH SESSION

November 21, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 20

200. MR. THOMASON (U.K.): Mr. Chairman, I think that very little action has been taken on that resolution because, as you know, these resolutions were taken quite shortly before the outbreak of war, but I think that as this resolution is drafted it only refers to specific uses of whales as fenders, namely, the use of those taken out of season and also to their use when whale catchers are sent long distances. And I am assured that our whaling industry is very careful not to be guilty of such practice and we will take steps to instruct our inspectors on the point when next they are going to the Antarctic whaling grounds.

Pages 29-30

306. MR. THOMSON (U.K.): Mr. Chairman, the question of transfer of the registry did not appear in any of the actual agreements, but I think it is referred to in some of the final acts. I think the reason why it was excluded from the agreements was that at that time, certainly the United Kingdom, and possibly other signatories, had not the power to prohibit the transfer of flag. We are hoping to get that power shortly. We had it in the war, and it is proposed, I think, by our Ministry of Transport to embody it into our peace legislation.

(2 pages)

310. Mr. Chairman has drawn my attention to the final act of the 1945 conference, where a resolution was passed that the various governments should take, all practical steps to prohibit the sale, loan, or delivery of vessels, equipment, or supplies, designed especially for whaling operations or that are known to be intended for such operations, to any government, or the nationals of any government, that is not a party or signatory to the whaling agreement of 1937. We have been looking at that clause, and we are not quite satisfied that it meets the question of transfer of flag. It says: "The sale, loan or delivery of vessels...". Well, the particular case that we had in mind and which led to the paragraph in the final act of 1937 did not involve a change of ownership to the vessel. She was not sold. She was not lent or delivered to another country; or rather, at any rate, she did not pass out of the possession of the operating company. The operating company transferred its place of business in London abroad and, as far as I know, retained ownership of the vessel. If, at a later date, we come to consider the question which has already been raised as to whether some clause of this kind should be included in the present Convention, or at any rate in the Final Act of this Conference, we are going to move that the word "transfer" should be added, as well as the words "sale, loan or delivery". We regard that as a drafting point, which we will deal with later. But we are not satisfied as the clause stands in the 1945 resolution.

- END -

RESTRICTED
IWC/25

November 22, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE FIFTH SESSION

TIME: Friday, November 22, 1946, 10:30 a.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order. The delegations will find in their respective boxes IWC Papers, Numbers 18, 19, and 20. I wish to point out that the distribution of the Conference papers is to the delegation boxes unless otherwise specified. In the event that you do not have all of the papers, please notify the Technical Secretary of the Conference.

2. There is another matter I should bring to the attention of the Conference. It has been suggested that the question of boiling whale meat should be referred to a Committee on Enforcement, rather than to the Biological Committee. If there is no objection, this matter will be referred to the Committee on Enforcement. Any objections? I take it it is approved.

3. MR. DOBSON (U.K.): Mr. Chairman, may I just be allowed to say two things. In the first place, on behalf of the British Delegation, I would like to say how very much we appreciated the opportunity which our Norwegian friends gave us last night to see an extremely interesting film on whaling. I'm sure everybody will join me in saying how much they appreciated it.

4. The second point, Mr. Chairman, I regret to say that I have given the Conference authorities a lot of trouble in issuing IWC/14, Corrigendum. I had to make certain corrections in my remarks because I was particularly anxious that certain things I had said about FAO would not be in any way misinterpreted. But in the future I don't propose to do this. I looked at the minutes of yesterday morning's session and it is only a question of altering a word or two. I hope the Conference authorities won't go to the trouble of reissuing any record. If they are going to copy everything finally, then any isolated word can be changed then and not circulated in the meantime. I realize you are all working under great pressure. I'm sorry I should cause that amount of trouble on one day and I shan't do it again.

5. CHAIRMAN: Thank you, Mr. Dobson. I think I have been in a similar predicament in other conferences myself. I think Mr. Dobson will recall.

(8 pages)

6. MR. CHANEY (Technical Secretary): With reference to correction of the verbatim minutes, the Technical Secretary will be very glad to see that any corrections that the delegations feel necessary are made.

7. CHAIRMAN: Thank you, Mr. Chaney. There is another small matter. The control room again has requested me to ask the Conference members call for recognition before speaking, otherwise an unidentified voice will suddenly be heard from time to time.

8. We have proceeded fairly rapidly with the provisional discussion of the American proposals and it would seem desirable at this point to have some work done by the Committees already appointed. With reference to the Committee that will be working on paragraphs 13 and 14 of the schedule, relative to the remuneration of gunners, et cetera, would that Committee prefer to meet at 11:00 this morning or at 4:30 this afternoon?

9. MR. DOBSON (U.K.): Mr. Chairman, I should like to suggest 11 o'clock, if that is quite convenient.

10. CHAIRMAN: Thank you, Mr. Dobson. Sooner or later the Drafting Committee should commence its business. I therefore suggest that the Drafting Committee consider meeting either at 2:00 or 2:30 this afternoon, whichever is the more convenient.

11. MR. THOMSON (U.K.): Mr. Chairman, might I suggest 2:30 this afternoon?

12. CHAIRMAN: Thank you, Mr. Thomson. I think that can be handled very readily. Now, the Committee to which the FAO proposal has been referred undoubtedly cannot meet this early in the proceedings. For that reason suppose we let that go over until the delegations are in a better position to discuss the matter. Would it be possible for this FAO Committee to consider meeting sometime on Monday?

13. DR. VAN DIJK (Netherlands): Yes, Mr. Chairman. However, if there is a meeting of the Drafting Committee, I should like the meetings of the two committees kept separated.

14. CHAIRMAN: That is quite true. As far as possible all committee meetings will be at different times.

15. MR. DOBSON (U.K.): Mr. Chairman, I'm just wondering, in spite of what you have said, whether it might not be useful to have a quite informal meeting of the FAO Committee sometime tomorrow. In that way some general views may be put out which might possibly assist the Committee to meet more effectively on Monday when possibly they may have had their instructions from their governments. I feel there is a certain amount of uncertainty in the minds of the Committee as to the precise intentions of what I may call the American draft. If the other members of the Committee feel that a quite informal talk around the table for half an hour

or so would be of use tomorrow, then Mr. Chairman we will fall in with their view, but I don't want to upset your arrangements for next week.

16. CHAIRMAN: Your point is very well taken, Mr. Dobson. Unless there are objections, that can be arranged. This will constitute an informal meeting, a sort of ventilation of views. Would 9:30 Saturday morning be agreeable to the Committee?

17. MR. THOMSON (U.K.): Agreed.

18. CHAIRMAN: Netherlands?

19. DR. VAN DIJK (Netherlands): Agreed.

20. CHAIRMAN: Norway?

21. PROFESSOR BERGERSEN (Norway): Yes.

22. CHAIRMAN: Australia?

23. MR. ANDERSON (Australia): Yes.

24. CHAIRMAN: France?

25. MR. ANZIANI (France): Yes.

26. CHAIRMAN: Well, with that cleared out of the way, do any of the other delegations have proposals that they wish to bring before the Conference at this time?

27. MR. KNUDTZON (Norway): Mr. Chairman, at the Whaling Conference in London, 1939, we agreed upon some new regulations in respect to measurement and reporting of the time of death of whales. The delegates will find these regulations on pages 24 and 25 in the small booklet containing the International Agreement for regulation of whaling which was among the papers submitted by the Norwegian Delegation in the red folders. On account of the outbreak of the war, the London 1939 regulations were never put into force but the Norwegian Government, immediately after the conclusion of the Whaling Conference, carried these over into the domestic whaling regulations and they have worked very fine. On behalf of the Norwegian Delegation I propose that the question of having these regulations put into the schedule be added to the agenda of the Conference and that the question be referred to the Committee dealing with the question of Article VI, section 3, (b) of the proposed schedule. Thank you, Mr. Chairman.

28. CHAIRMAN: These provisions are also part of the regulations of our Government.

29. France--Mr. Anziani?

30. MR. ANZIANI (France) (Interpretation): Mr. Le Gall has a communication he wishes to make to the Conference.

31. CHAIRMAN: Thank you. Does this deal with this particular subject, or another?

32. MR. LE GALL (France) (Interpretation): A biological subject.

33. CHAIRMAN: With regard to the measuring of whales?

34. MR. LE GALL (France) (Interpretation): Yes. It has to do with whales. In order to avoid all confusion with regard to the nomenclature of whales and to clarify all discussions, the French Delegation would suggest that the Latin names of the various whales be indicated following the vernacular names used in the various whaling countries. Also, a recapitulation, in the form of a table, should be prepared so as to bring together the vernacular names currently used by all countries as well as the corresponding Latin names.

35. CHAIRMAN: Thank you, Mr. Le Gall.

36. As a matter of procedure, let us complete first the proposal on measuring and marking whales and then take up this other proposal if there is no objection.

37. Dr. Gabrielson.

38. MR. GABRIELSON (U.S.): I would like to second the motion made by the Norwegian Delegation.

39. CHAIRMAN: Are there any further comments?

40. Mr. Erichsen.

41. MR. ERICHSEN (Denmark): I agree upon the Norwegian proposal that that question be taken up by the Committee on Penalties.

42. CHAIRMAN: Thank you, Mr. Erichsen.

43. We have now the matter of the precise manner of taking measurements of whales, the recording of the time of death of the whale, and the marking of the whale by the killer boats. If there are no objections, this matter will be referred for a report to the Committee which is now considering Article VI, section 3(b).

44. Now we come to the matter raised by Dr. Le Gall of France, and that is to indicate in the schedule after the vernacular name the proper scientific name for each of the commercial kinds of whales.

45. Mr. Dobson.

46. MR. DOBSON (U.K.): The United Kingdom Delegation supports this proposal.

47. CHAIRMAN: Thank you, Mr. Dobson.

48. Mr. Erichsen.

49. MR. ERICHSEN (Denmark): I should like to support the French proposal with regard to the names.

50. CHAIRMAN: Thank you, Mr. Erichsen.

51. Professor Bergersen.

52. MR. BERGERSEN (Norway): This question of the Latin terms has been raised in all the conferences since 1937. It may be the right thing to have them put in, but I am not sure. It was mentioned in 1937 and 1938. You surely couldn't use all the Latin names, but rather the common names. The usual procedure, as far as I understand, has been to use the common names. But, of course, we have no objection if the Conference agrees that we shall use the Latin terms. Then, we ought to have some sort of committee to determine the exact names because there are synonyms. Remember, we would want it to be correct if we do it and, of course, there can be small differences in opinion about the Latin terms.

53. CHAIRMAN: Thank you, Professor Bergersen. I am quite familiar with the difficulties. In the case of the humpback whale, for instance, there are those among the biologists who recognize two or three different kinds of humpback whales, each of which has a scientific name. In the event that such technical names are inserted after the vernacular names in the schedule, it seems to me, from a legal point of view, we should protect ourselves by some clear wording. For instance, all the possible scientific names should be included.

54. MR. DOBSON (U.K.): Mr. Chairman.

55. CHAIRMAN: Mr. Dobson.

56. MR. DOBSON (U.K.): I said we supported this; I didn't mean that here and now we agree on names. I suggest that Dr. Mackintosh, Dr. Le Gall, and one of the Norwegian Delegates could get together and agree on a list of names. This would then go to the Drafting Committee to put in and we should have it submitted back here. But I might remark that in our other fishing conference, in the White Paper that emerged from that, we did put the Latin names against the different kinds of fish. That may have been due to the fact that while cod may be gadus in English it may have a totally different meaning in a foreign country. But I mention this should go to a committee, and I should think the names could be settled by the biologists.

57. CHAIRMAN: Thank you, Mr. Dobson.

58. Dr. Van Dijk.

59. DR. VAN DIJK (Netherlands): I second the proposal made by Mr. Dobson of the U.K.

60. CHAIRMAN: Thank you, Dr. Van Dijk.

61. Now, in accordance with our usual procedure, it will be necessary to set up an ad hoc committee for this matter. I am sure it will not take long for the members to reach some sort of a decision. For that reason, therefore, we will now poll the delegations to request whether or not they desire representation on a committee to decide on the proper scientific name for each kind of a whale.

62. Argentina?

63. DELEGATE OF ARGENTINA: No.

64. CHAIRMAN: Australia?

65. DELEGATE OF AUSTRALIA: No.

66. CHAIRMAN: Chile?

67. DELEGATE OF CHILE: No.

68. CHAIRMAN: Denmark?

69. DELEGATE OF DENMARK: No.

70. CHAIRMAN: France?

71. DELEGATE OF FRANCE: Yes.

72. CHAIRMAN: Netherlands?

73. DELEGATE OF NETHERLANDS: No.

74. CHAIRMAN: New Zealand?

75. DELEGATE OF NEW ZEALAND: No.

76. CHAIRMAN: Norway?

77. DELEGATE OF NORWAY: Yes.

78. CHAIRMAN: Peru?

79. DELEGATE OF PERU: No.

80. CHAIRMAN: United Kingdom?

81. DELEGATE OF UNITED KINGDOM: Yes, please, but may we express the hope that you also would give us the benefit of your advice on this committee.

82. CHAIRMAN: Thank you, Mr. Dobson.

83. U.S.S.R.?

84. DELEGATE OF U.S.S.R. (Interpretation): Yes, we favor using the Latin names and support France.

85. CHAIRMAN: Thank you. United States?

86. DELEGATE OF UNITED STATES: Yes.

87. CHAIRMAN: Will those delegations who have not as yet specified the names of their committee members please give these names to the Technical Secretary as soon as possible so that the committees can begin to function?

88. Now, were there any other matters to be brought up this morning?

89. MR. DOBSON (U.K.): Mr. Chairman.

90. CHAIRMAN: Mr. Dobson.

91. MR. DOBSON (U.K.): Perhaps it would help the Conference if I just mentioned that there was a small committee set up to deal with the point raised by Mr. Van Dijk of the Netherlands Delegation. We have had one meeting and have heard a verbal statement from each of the parties. We asked for a written statement. If those written statements could be made available, the committee might in a very short time close its deliberations before the end of this week and so get that out of the way and not clutter up next week with it. It will be a very short report but we can't function until we have those written statements. If they are available, we might meet some time tomorrow.

92. CHAIRMAN: Thank you, Mr. Dobson.

93. The Technical Secretary informs me that these reports have not as yet been turned in to him. If these reports will be prepared as soon as convenient and turned over to the Technical Secretary, he can then schedule the meeting. So please get in your reports as soon as convenient.

94. Were there any other matters to come before the Conference this morning?

95. Unless there be objection, I propose we adjourn for the day and meet at 10:30 tomorrow morning to receive any reports that may be ready from the respective committees. That will give each of the committees an opportunity to meet and to decide procedure and to reach whatever conclusions are possible.

96. I would like to mention again the visit to Mount Vernon. That is covered by Administrative Paper No. 2. Each participant desiring to make this trip is requested to sign Administrative Paper No. 2 and turn it in to the Information Desk in the Foyer of the eleventh floor by noon Friday. That is today. Those participants desiring to have their wives accompany them will so indicate by writing "Yes" in the second line of the form. So please get these in, if you will, by noon today.

97. Were there any other matters?

98. Unless there is an objection, this session is now adjourned. We will meet at 10:30 tomorrow morning to receive such committee reports as may be ready.

99. (The meeting adjourned at 11:00 a.m.)

DONALD J. CHANEY
Technical Secretary

- END -

RESTRICTED
Corrigendum A
IWC/25

November 23, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM A

MINUTES OF THE FIFTH SESSION

November 22, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 5

56. MR. DOBSON (U.K.): I said we supported this; I didn't mean that here and now we agree on names. I suggest that Dr. Mackintosh, Dr. Le Gall, and one of the Norwegian Delegates could get together and agree on a list of names. This would then go to the Drafting Committee to put in and we should have it submitted back here. But I might remark that in our other fishing conference, in the White Paper that emerged from that, we did put the Latin names against the different kinds of fish. That may have been due to the fact that while cod may be an anthema in England it may have a totally different meaning in a foreign country. But I mention this should go to a committee, and I should think the names could be settled by the biologists.

- END -

RESTRICTED
Corrigendum B
IWC/25

November 25, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM B

MINUTES OF THE FIFTH SESSION

November 22, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 5

56. MR. DOBSON (U.K.): I said we supported this; I didn't mean that here and now we agree on names. I suggest that Dr. Mackintosh, Dr. Le Gall, and one of the Norwegian Delegates could get together and agree on a list of names. This would then go to the Drafting Committee to put in and we should have it submitted back here. But I might remark that in our other fishing conference, in the White Paper that emerged from that, we did put the Latin names against the different kinds of fish. That may have been due to the fact that while cod may be an anathema in England it may have a totally different significance in a foreign country. But I mention this should go to a committee, and I should think the names could be settled by the biologists.

- END -

RESTRICTED
Corrigendum C
IWC/25

November 27, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM C

MINUTES OF THE FIFTH SESSION

November 22, 1946

The following paragraph should read as shown below (changes in text indicated by underscoring):

Page 3

17. MR. DOBSON (U.K.): Agreed.

- END -

RESTRICTED
IWC/26

November 23, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE SIXTH SESSION

TIME: Saturday, November 23, 1946, 10:55 a.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order.

2. From the information that is at my disposal at present, it would appear that this session will be quite brief. We convened this morning to hear the reports of any committees that have reports prepared. I will now call upon the Technical Secretary to read the report of the committee considering possible changes in paragraphs 13 and 14 of the Schedule. Mr. Chaney.

3. MR. CHANEY (Technical Secretary): "The Committee to consider paragraphs 13 and 14 of the schedule met at 11 a.m., November 22, 1946, at Conference Headquarters, to consider changes which might be made in paragraphs 13 and 14.

4. The Committee met under the Chairmanship of Mr. Van Dijk. The other members present were Mr. Erichsen (Denmark), Mr. Von Felde (Netherlands), Mr. Knudtzon (Norway), Mr. Haugen (Norway), Mr. Templeman (U.K.), Mr. Salvesen (U.K.), Mr. Tverianovich (U.S.S.R.), Dr. Flory (U.S.), and Captain Moore (U.S.).

5. The Committee recommends that the principles embodied in paragraph 13 should be maintained, and that any changes in language that might be necessary to state clearly these principles should be considered by the Drafting Committee.

6. The Committee recommends that paragraph 14 be omitted from the schedule. It is not considered that the type of data referred to in this paragraph is essential to the proper functioning of the Commission in carrying out its specified duties."

7. CHAIRMAN: You have heard the report of the committee. Does this report meet with the approval of the Conference? The report is document IWC/23.

8. Mr. Dobson.

9. MR. DOBSON (U.K.): Mr. Chairman, the British Delegation desires to move the adoption of this report.

(7 pages)

10. CHAIRMAN: Is there a second?

11. MR. ANDERSEN (Australia): May I include my name as being present at the committee meeting?

12. CHAIRMAN: Sorry, Mr. Andersen. Mr. Chaney.

13. MR. CHANEY (U.S.): That correction will be made immediately.

14. CHAIRMAN: Is there a second to this motion?

15. MR. BERGERSEN (Norway): I second the motion.

16. CHAIRMAN: It has been moved and seconded. Can we agree on this without a formal poll of the delegations?

17. I take it that there is no objection and this Conference Report will stand approved.

18. Now we have a matter concerning rules of procedure for committee meetings. I will call upon the Technical Secretary to report on that matter. Mr. Chaney.

19. MR. CHANEY (Technical Secretary): A question has arisen with respect to the duplication and distribution of committee minutes. It has been suggested that this matter should be left to the discretion of each committee, as, in many instances, the report of the committee should quite sufficiently record the action taken. This may be particularly true of an ad hoc committee that has before it but a limited problem.

20. Since the Rules of Procedure have been adopted by the Conference, it would be well for the Conference to consider this matter and express its wishes.

21. CHAIRMAN: What is the wish of the Conference in regard to the rules of procedure for ad hoc committees? Do you wish to adopt the suggestion made by our Technical Secretary?

22. Dr. Flory.

23. MR. FLORY (U.S.): I so move.

24. CHAIRMAN: Is there a second? This is simply a matter of committee procedure. There is nothing complicated about it.

25. Mr. Dobson.

26. MR. DOBSON (U.K.): I second the motion.

27. CHAIRMAN: Thank you, Mr. Dobson. It has been moved and seconded. Are there any objections or any discussion? If not, I take it the Conference will approve the adoption of this motion.

28. We come now to the matter of Article IX of the Convention. You know we have had some discussion in regard to this Article in at least one previous meeting. The Article is on page 12, lines 231 to 237.

29. Dr. Flory.

30. MR. FLORY (U.S.): As our Chairman has indicated when he first reviewed this Article, the language is new to the Whaling Convention, but is similar to the provisions included in recent United States-Canadian International Fisheries Agreements. The Chairman explained that it contributes nothing to the substance of the Convention, such as here proposed. The inclusion was thought to be helpful in clarifying that the Convention and the Commission's amendments constitute minimum restrictions and that the contracting governments, in their discretion, might impose more severe restrictions.

31. I may explain that the provision was included in the United States-Canadian International Fisheries Agreements particularly at the insistence of the States of the United States, which under our Constitution have responsibility for the fisheries. This section is to insure that the Convention does not mean that the States are under a treaty or would be deprived completely of their regulating authority.

32. I believe that no such question arises in connection with the Whaling Agreements, and, after discussion with some of the delegations, I find that Article IX actually creates more confusion than would be occasioned by its elimination.

33. I repeat that it was the intention of the United States in including this originally to avoid confusion. However, in view of the questions that have been raised concerning Article IX and the original statement that this Article contributes nothing of substance to the Commission, I suggest that it is good drafting to eliminate it. And I so move.

34. CHAIRMAN: It has been mov d that Article IX of the United States Proposals be deleted. Is there a second? Mr. Rodd.

35. MR. RODD (Canada): I second the motion.

36. CHAIRMAN: It has been moved and seconded. Is there any discussion? Are there any objections?

37. Since I hear no objections, I take it that the conference approves this motion for the deletion of Article IX and it will stand as approved by the Conference.

38. Professor Bergersen.

39. MR. BERGERSEN (Norway): We don't know why this Article should be removed. We haven't heard the reasons why it should be removed. If this Article is removed, we take it that a government wouldn't be prevented from taking those measures which are thought necessary and which are mentioned in this Article.

40. CHAIRMAN: Thank you, Professor Bergersen. Dr. Flory?

41. MR. FLORY (U.S.): It was primarily a drafting consideration, Professor. As I indicated earlier, the inclusion of the Article originally was, I will have to admit, a sort of pot-boiling operation whereby we took several of the provisions from the Fisheries Agreements and included them in this agreement. We recognized the inclusion of this Article in the United States-Canadian Fisheries Agreement as necessary reassurance to the States.

42. We recognized and insisted that the inclusion of the Article in the fisheries agreement didn't change the intention, the law, or any other aspect of the situation at all. It was merely a kind of gratuitous observation to make the State governments feel a little bit more secure.

43. I believe the question of substance involved in this has never arisen in connection with the Whaling Agreement. I don't believe that there is any understanding by any of the governments parties to the previous whaling agreement that, because they adhered to or ratified the whaling agreement, they were thereby prevented from undertaking any additional measures which were not inconsistent with the provisions of the agreement.

44. Consequently, it is my belief that it is just good draftsmanship to eliminate any provisions from an agreement which don't contribute in substance to the agreement or contribute to better understanding of the agreement. I feel that neither of those reasons for inclusion of Article IX are pertinent here.

45. CHAIRMAN: Professor Bergersen?

46. MR. BERGERSEN (Norway): Why couldn't we postpone this matter until Monday?

47. CHAIRMAN: Very well, we will let the matter go over until Monday.

48. MR. BERGERSEN (Norway): If it is convenient for you, we would like to consider the matter further.

49. CHAIRMAN: I will withdraw my ruling and let it go over to Monday, inasmuch as an objection has been raised; obviously my ruling that the conference was in agreement is incorrect.

50. Now we have the matter of scheduling some of the committee meetings.

51. At 9:30 this morning the Committee on the Establishment of a Whaling Commission met. It will have further meetings.

52. There is the meeting of the Committee on Drafting scheduled for 2:30 this afternoon.

53. The Committee on Penalties is subject to call by its Chairman. I do not know what arrangement he has made as yet.

54. I would like to suggest that the Committee on the Use of Scientific Names meet at the close of this session, if agreeable to the other members of the Committee. This Committee consists of representatives from France, Norway, United Kingdom, U.S.S.R., and United States. Would it be agreeable to the Committee on Biological Data to meet at 9:00 a.m. on Monday morning? This includes representatives from Australia, Chile, France, Norway, the Netherlands, United Kingdom, U.S.S.R., and the United States.

55. The Conference may be interested to learn that there will be a second showing of the Norwegian whaling film. Some of you were unable to attend the last showing. This Norwegian whaling film will be shown on Tuesday, November 26, at 1:30 p.m. in the Department of Interior Auditorium on C. Street between 18th and 19th Streets, NW. Members of the Conference and the Secretariat who were unable to see the film at the first showing are invited to see it. Those that saw it once and care to see it again are invited. Interested officers and employees are also invited. That also includes Dr. Finn, if he cares to go. He might like to see what a whale looks like.

56. I am requested also to announce that, regarding the visit to Mount Vernon, only about 30 so far have indicated their intention to go. That trip, as I stated before, has been planned for Sunday. Those who desire to go will assemble on the first floor of this building, in the lobby, at 1:15 in order that the bus can leave at 1:30. The bus will leave Mount Vernon at 5:30 for the return trip.

57. Any of those who failed to indicate their intention of making this trip, will they please see the desk outside the Conference Room at the close of this session.

58. I have also been requested to announce to the delegates that the Chairman of the Norwegian Delegation requests the presence of the Conference at a cocktail party from 6:00 to 8:00 p.m. on Tuesday, which will be held at the Norwegian Embassy, at the corner of 34th Street and Massachusetts Avenue. This announcement is made at this time, since the formal notices may reach you too late to reserve this date. So, please reserve Tuesday from 6:00 to 8:00 p.m. for the cocktail party to be held at the Norwegian Embassy. - Wait a minute - wait a minute. There is one complication. Professor Bergersen, that is the time of the dinner. - Just a moment. (conferring off the record)

59. Suppose we sit around here for a few minutes until this date is cleared up. I am sure you want to keep your calendars straight. But I should have consulted ours before I made the announcement.

60. Just a moment, if I may have the attention of the Conference: There will be a meeting of the Credentials Committee at 2:00 p.m. on Monday.

61. MR. TVERIANOVICH (U.S.S.R.): Mr. Chairman.

62. CHAIRMAN: Mr. Tverianovich.

63. MR. TVERIANOVICH (U.S.S.R.) (Interpretation): Mr. Chairman, at the close of this session --

64. CHAIRMAN: Please speak more slowly.

65. MR. TVERIANOVICH (U.S.S.R.) (Interpretation): We wish to address the Conference with the following statement, Mr. Chairman. We would like to call your attention and the attention of the delegates present, to the fact that the Soviet Delegation reserves for itself the right to make statements on a number of points at the Convention later. The reason for this fact is that we were not able to get acquainted with the material before the opening of the International Whaling Conference, and also in view of the late arrival of the Soviet Delegation for the opening of the Conference. We ask you to take this matter into consideration. Thank you.

66. CHAIRMAN: Thank you. That will be done. Might I ask informally about when you anticipate that you will be in a position to state your position on these matters?

67. MR. TVERIANOVICH (U.S.S.R.) (Interpretation): We are awaiting the arrival of our Head of the Delegation on Monday with credentials.

68. CHAIRMAN: May I again call the Conference to order. The Norwegian Delegation has very kindly informed me that this cocktail party will be held on Wednesday, from 6:00 to 8:00 p.m. at the Norwegian Embassy at the corner of Massachusetts and Thirty-fourth Street.

69. Let me review again the committee meetings. The Committee on Scientific Names will meet at the close of this Conference. The Drafting Committee will meet at 2:30 this afternoon. The Credentials Committee will meet at 2:00 p.m. on Monday. The Penalties Committee will meet at 11:00 a.m. on Monday, and the Biological Committee at 9:00 a.m. on Monday.

70. In view of the statement that we have heard from the U.S.S.R. Delegation, the next plenary session of this Conference will be held at 2:30 p.m. on Monday. Mr. Anziani.

71. MR. ANZIANI (France)(Interpretation): The French Delegation wishes to inform the Conference that it proposes to present a motion next Monday to the effect that night sessions be held, in order to expedite the proceedings of the Conference and bring it to an end as soon as possible.

72. CHAIRMAN: Thank you, Mr. Anziani. You have heard of the intention of the French Delegation to propose that we commence night sessions after the Monday plenary session. That will be brought up as a formal motion on Monday.

73. Were there any other matters to come before the Conference? If not, the Conference is adjourned.

74. (The meeting adjourned at 11:45 a.m.)

DONALD J. CHANEY
Technical Secretary

- END -

RESTRICTED
IWC/32

November 25, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE SEVENTH SESSION

TIME: Monday, November 25, 1946, 2:50 p.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order. The first item before this plenary session is the French proposal. Mr. Anziani.

2. MR. ANZIANI (France) (Interpretation): Mr. Chairman, as I advised the Conference in the last session, I am presenting the following motion: In order to hasten the work of the Conference the French Delegation requests that working committees meet, if possible, in night sessions, in order to be able to present their final report with the shortest possible delay.

3. CHAIRMAN: Thank you, Mr. Anziani. After studying our calendar of activities I should point out to the French Delegation that it may be a little difficult to have night sessions very often. I find that arrangements of a social nature have been made for Tuesday and Wednesday. The official dinner by the U. S. government will be held at the Willard Hotel tomorrow, that is Tuesday, evening. The Norwegian Delegation has requested our presence at a cocktail party at the Norwegian Embassy on Wednesday evening. Thursday, of course, is a U. S. national holiday.

4. However, if the Conference so desires, we might hold a short plenary session on Thursday morning, say from 9:30 to 12:00. Also, in order to aid in expediting matters, may I suggest the possibility of scheduling committee meetings in the evening at hours that will fit in with the plan of social functions.

5. It is proposed that the Drafting Committee will meet this evening for further revisionary work on the Convention that we have before us, if it meets with their approval.

6. What will be the desire of this Conference regarding holding a meeting on Thursday, Thanksgiving Day, that is, in the morning from 9:30 until 12:00? Argentina.

7. MR. BRUNO (Argentina): The Argentine Delegation understands that Thanksgiving is a U. S. holiday and should be respected. So we propose that no session will be held that day.

(31 pages)

8. CHAIRMAN: Thank you, Mr. Bruno. Mr. Dobson.

9. MR. DOBSON (U.K.): Mr. Chairman, I would like to support what the Argentine representative said. I think we should respect this national holiday. As regards the French Proposal, I would be ready to fall in with it so far as the British Delegation is concerned. I suggest, however, Mr. Chairman, that, subject to anything you have to say, we might like to hear a little more as to the precise program for the rest of this Conference before we decide to accede to the French suggestion. It might even be found that it is unnecessary. Would you be able possibly to tell us a little more what the meetings are from now onwards, including possibly Friday and Saturday?

10. CHAIRMAN: About all I can say to the Conference is that we are entirely at its disposal. We propose to work as fast as we can so that all of you may return to your homes before Christmas. I think the subject matter taken up at this Conference will depend to a large extent on the committee reports. As soon as the committee reports are in we can then proceed to take care of those particular problems. We have two reports in at present. There are still a number outstanding. Mr. Thomson.

11. MR. THOMSON (U.K.): Mr. Chairman, with regard to the Drafting Committee, subject to the agreement of my colleagues on that Committee, I should certainly be prepared to hold a meeting either after this plenary session is finished or, if that goes on for any considerable length of time, some time later this evening. I'm afraid it won't be possible to hold the meeting fairly late as we ourselves have a small social function tonight.

12. CHAIRMAN: Thank you, Mr. Thomson. Would 8:30 or 9:00 p.m. be agreeable with you?

13. MR. THOMSON (U.K.): It will suit me, Mr. Chairman, if my colleagues don't mind working at that hour.

14. CHAIRMAN: You can arrange that with them. As regards Thanksgiving morning, we certainly appreciate the kind words of the delegations, but I am wondering, in the interest of pushing the matters that we have before us, if it would not be desirable to have a short session Thursday morning. I am entirely at the disposal of the Conference. It's for you to decide. But if we are going to push these committees into working nights, possibly we should devote some days to that too. In the event that you do not wish to hold a full plenary session we could hold committee meetings Thursday morning. That, as I say, is for the Conference to decide. Mr. Thomson.

15. MR. THOMSON (U.K.): Mr. Chairman, we feel that it is a bit unfair to ask the full Conference to meet on such a day as Thanksgiving Day, but we should be quite prepared to fall in with any suggestion to hold committee meetings on the morning of that day. We hope that would necessitate the minimum of attendance from the American side.

16. CHAIRMAN: Thank you, Mr. Thomson. Possibly that is the best way to let it go then. Dr. Van Dijk.

17. MR. VAN DIJK (Netherlands): Mr. Chairman, is it perhaps possible not only that the Drafting Committee will meet at night but also other committees that are not yet ready with their reports? I am thinking especially of the Committee on Penalties.

18. CHAIRMAN: Dr. Van Dijk, there seems to be an overlap on the membership of the two Committees. We had the Penalties Committee scheduled for 11:00 a.m. tomorrow morning. You see, the Subcommittee on Penalties meets at 9:00 a.m. and the full Committee at 11:00. Mr. Erichsen.

19. MR. ERICHSEN (Denmark): Mr. Chairman; I think the Penalties Committee will finish with its work when we meet at 11 o'clock tomorrow morning.

20. CHAIRMAN: Thank you, Mr. Erichsen.

21. In going back through the proceedings I note that we failed to set up an enforcement committee. I have been informed that questions relating to the processing of lean back meat, the taking of lactating whales, and provisions regarding the recording of the time of death of the whale, the standard method of measuring and marking of whales by the crew of the whale catcher, have been informally considered by the Penalties Committee. Is it the wish of this Conference that these matters should be left with the Penalties Committee? If so, then it seems to me the questions with regard to the value of whales taken for scientific study appropriately may be referred to the same committee. Before I poll the delegations, I wish to apologize to the Russian Delegation. I note that Mr. Bogdanov is now at the Conference. Will you please rise, Mr. Bogdanov? Thank you. We are very glad to have you with us.

22. Do you want a separate enforcement committee or is it appropriate to have these matters referred to the Penalties Committee.

23. May I have a proposal covering the reference of these questions and a second?

24. MR. DOBSON (U.K.): Mr. Chairman.

25. CHAIRMAN: Mr. Dobson.

26. MR. DOBSON (U.K.): I suggest that these questions be referred to the Penalties Committee.

27. CHAIRMAN: Thank you. Is there a second?

28. MR. ANDERSON (Australia): I second.

29. CHAIRMAN: The motion has been seconded. I take it that the Conference approves the reference of these questions to the Penalties Committee. To make sure, I will check with the delegations.

30. Argentina?

31. DELEGATE OF ARGENTINA: Yes.

32. CHAIRMAN: Canada?

33. DELEGATE OF CANADA: Yes.

34. CHAIRMAN: Chile?

35. DELEGATE OF CHILE: Yes.

36. CHAIRMAN: Denmark?

37. DELEGATE OF DENMARK: Yes.

38. CHAIRMAN: France?

39. DELEGATE OF FRANCE: Yes.

40. CHAIRMAN: Netherlands?

41. DELEGATE OF NETHERLANDS: Yes.

42. CHAIRMAN: New Zealand?

43. DELEGATE OF NEW ZEALAND: Yes.

44. CHAIRMAN: Norway?

45. DELEGATE OF NORWAY: Yes.

46. CHAIRMAN: Peru?

47. DELEGATE OF PERU: Yes.

48. CHAIRMAN: U.K. ?

49. DELEGATE OF THE UNITED KINGDOM: Yes.

50. CHAIRMAN: U.S.S.R.?

51. DELEGATE OF U.S.S.R.: Yes.

52. CHAIRMAN: U.S.?

53. DELEGATE OF U.S.: Yes.

54. CHAIRMAN: That seems to be fairly unanimous. These four matters--that is, the processing of lean back meat, the value of whales taken for scientific study, milk-filled or lactating whales, and then the catch-all, time of death of whales, standard method of measuring and marking of whales

killed by crews of whale catchers, will be referred to the Penalties Committee.

55. I should also bring to the attention of this Conference that the humpback limitation has been considered informally by the Biological Committee. I would like to request concurrence in this reference so that we may have a report before us.

56. Mr. Dobson.

57. MR. DOBSON (U.K.): May I just say a word on this? I did raise this question of the humpback embargo, I think on two occasions, at a plenary session. I also made some purely general remarks on the subject of the length of the future whaling season under the long-term convention. We had a long discussion on that last night in the British Delegation and I am afraid, without being able to warn you, I took the liberty of asking our representative on the Biological Substance Committee to ventilate this matter at this morning's meeting. I gather there was a very useful discussion, and at all events, the other delegates know what is in our mind. I would, therefore, support you, Mr. Chairman, and particularly request that these matters go formally to the Biological Substance Committee. They may thus have a full discussion, if they want more discussion, and issue a report on both those matters, the question of the humpback embargo and the question of the length of the whaling season under the long-term convention, which we are considering. I hope this may find acceptance by the members of the Conference.

58. CHAIRMAN: Thank you, Mr. Dobson.

59. Is there a second to that motion?

60. MR. BERGERSEN (Norway): Mr. Chairman.

61. CHAIRMAN: Professor Bergersen.

62. MR. BERGERSEN (Norway): I second.

63. CHAIRMAN: There has been a second. Unless there is an objection, let us consider that we will refer these two matters to the Committee on Biological Data: that is, the length of the season, and the prohibition on humpback killing south of 40 degrees south latitude. You agree, Professor Bergersen?

64. MR BERGERSEN (Norway): Yes.

65. CHAIRMAN: Is there any objection to having the Biological Committee study these matters? Or, would you prefer to refer it to some other committee.

66. MR. ANDERSON (Australia): Mr. Chairman.

67. CHAIRMAN: Mr. Anderson.

68. MR. ANDERSON (Australia): In regard to the humpback question, I don't think much good can be done by throwing it back to the Committee. It was discussed at this morning's meeting of the Committee in an informal way. My Government is definitely against it and I think every government that is operating a land-based station will be against it.

69. CHAIRMAN: Thank you, Mr. Anderson. The matter has not been formally referred to a committee, and until we get a committee to report, under the Rules of Procedure of this Conference, we are still up in the air.

70. MR. POWLES (New Zealand): Mr. Chairman.

71. CHAIRMAN: Colonel Powles.

72. MR. POWLES (New Zealand): With reference to this question of the humpback restriction, if there is any biological material or biological matter upon which the Biological Committee could make a report in respect to the humpback whales, I can see some purpose in referring it to that committee. If that is not the case, then it becomes a much more general matter of substance and I agree with Mr. Anderson. I don't see very much purpose on that basis in having it argued in the Committee again.

73. CHAIRMAN: Thank you, Colonel Powles.

74. Are there any other comments? I might say to the Delegations of Australia and New Zealand that this is a matter that I do not think can be settled in an open conference session. It seems to me that the committee report should bring out the opposing views and place them before us. I think we can simplify procedure and save a great deal of time by this method. I am not speaking necessarily of a reference to the Biological Data Committee. The question should be referred to some committee that will consider the matter and bring out the opposing views for the Conference, even if it be a negative report.

75. At least we would get a report on the substance of matters under discussion. Do you agree to that, Colonel?

76. MR POWLES (New Zealand): I don't think I would have any objection. There is one point I would like to make. When the members of the Biological Committee were originally picked, it was on the assumption that it would deal with biological matters. If these matters are to go up to it, I should like to have my name added to the members of that Committee.

77. CHAIRMAN: That will be done. Are there any others that desire their names added? We shall be very glad to put them on. How about Australia?

78. MR. ANDERSON (Australia): I make the same reservation. I would like to be on the Committee.

79. CHAIRMAN: Thank you, Mr. Anderson. Unless there is further objection, this matter will be referred to the Biological Committee.

80. Now we have certain committee reports. Mr. Knudtzon?

81. MR. KNUDTZON (Norway): Mr. Chairman, in the Final Act of the 1939 conference, it was stated that in the future the signatory powers would collate current and future lists and regulations relating to whaling and send them to the other states. In the Penalties Committee today I suggested that they put into the schedule a provision to the effect that this information be sent to the Commission and was supported by other delegations. On behalf of the Norwegian Delegation I propose that the question be referred to the Penalties Committee. Thank you, Mr. Chairman.

82. CHAIRMAN: Thank you, Mr. Knudtzon. As I understand the matter, you propose that the laws and regulations of the signatory powers that relate to regulations for whaling be transmitted to the International Whaling Conference?

83. MR. KNUDTZON (Norway): Exactly.

84. CHAIRMAN: Thank you. Mr. Flory?

85. MR. FLORY (U.S.): I second the motion made by the Norwegian Delegation.

86. CHAIRMAN: This is a matter on which we should poll the delegations. Argentina, is it agreeable to you to put this proposal on the agenda?

87. DELEGATE OF ARGENTINA: Yes.

88. CHAIRMAN: Australia?

89. DELEGATE OF AUSTRALIA: Yes.

90. CHAIRMAN: Canada?

91. DELEGATE OF CANADA: Yes.

92. CHAIRMAN: Chile?

93. DELEGATE OF CHILE: Yes.

94. CHAIRMAN: Denmark?

95. DELEGATE OF DENMARK: Yes.

96. CHAIRMAN: France?

97. DELEGATE OF FRANCE: Yes.

98. CHAIRMAN: Netherlands?

99. DELEGATE OF NETHERLANDS: Yes.

100. CHAIRMAN: New Zealand?

101. DELEGATE OF NEW ZEALAND: Yes.

102. CHAIRMAN: Norway?

103. DELEGATE OF NORWAY: Yes.

104. CHAIRMAN: Peru?

105. DELEGATE OF PERU: Yes.

106. CHAIRMAN: United Kingdom?

107. DELEGATE OF UNITED KINGDOM (MR. DOBSON): Yes. We didn't attempt to collect this information. All the letters were drafted, but the outbreak of the war prevented us from going any further.

108. CHAIRMAN: The U.S.S.R.?

109. DELEGATE OF U.S.S.R.: Yes.

111. CHAIRMAN: United States?

110. DELEGATE OF UNITED STATES: Yes.

112. CHAIRMAN: Thank you. This matter will be referred for discussion to the Penalties Committee, as suggested by Mr. Knudtzon of Norway.

113. Were there any reports, Mr. Chaney?

114. MR. CHANEY (Technical Secretary): There are two Committee reports to be presented to the Conference at this time: the first is the report of the Committee on Scientific Names:

115. "The Committee on Scientific Names met at 11:30 a.m., on November 23, 1946, at Conference Headquarters to consider the French Delegation's proposals that the scientific names of the various whales be indicated following the vernacular names and that a table be prepared showing both the vernacular names currently used and the corresponding Latin names.

116. "The Committee met under the chairmanship of Mr. Ruud, the representative of Norway. The other members present were: Mr. Le Gall (France), Mr. Budker (France), Mr. Mackintosh (U.K.), Mr. Tverianovich (U.S.S.R.), and Mr. Kellogg (U.S.).

117. "The Committee recommends that the document containing the scientific names and their vernacular equivalents used in the various languages, to be submitted by the French Delegation, be added to the Final Act as an information sheet."

118. CHAIRMAN: Thank you, Mr. Chaney. May I have a motion for the acceptance of this Committee report. Professor Bergersen?

119. MR. BERGERSEN (Norway): I propose that we accept this report.

120. CHAIRMAN: Is there a second?

121. MR. GABRIELSON (U.S.): I second the motion.

122. CHAIRMAN: The motion has been made and seconded that the report of the Committee on Scientific Names be accepted. If there is no objection I would like to rule that the Conference accept the report.

123. CHAIRMAN: Dr. Van Dijk?

124. MR. VAN DIJK (Netherlands): Mr. Chairman, do we understand that a table will be submitted to us before it is taken up in the Final Act?

125. CHAIRMAN: That is right. The table is not as yet prepared. Do we have another report, Mr. Chaney?

126. MR. CHANEY (Technical Secretary): The following is the report of the Committee on Biological Data:

127. "The Committee on Biological Data met at 9 a.m. on November 25, 1946 at Conference Headquarters to consider recommendations as to the minimum lengths of sperm whales and sei whales as set forth in paragraph 8 of the schedule to the U.S. Proposals. The committee also considered the Chilean Proposal (IWC/16). The Committee met under the chairmanship of Mr. Mackintosh, the representative of the United Kingdom. The other members present were: Mr. Bruno, Argentina; Mr. Setter, Australia; Mr. Edwards, Chile; Mr. Erichsen, Denmark; Mr. Le Gall, France; Mr. Budker, France; Mr. Drost, Netherlands; Mr. Ruud, Norway; Mr. Salvesen, U.K.; and Mr. Kellogg, U.S.

128. "The Committee recommends that 35 feet be established as the minimum length for sperm whales in all waters under all conditions but that if sperm whales are being used for local consumption as human or animal food, representations may be made to the Commission in order that consideration may be given to making relaxations as to the 35-foot minimum length in that particular case.

129. "The Committee recommends that 40 feet be established as the minimum length for sei whales with provision that this limit should be reduced to 35 feet in instances where the meat of sei whales is used locally for human or animal consumption.

130. "The Committee recommends that the Chilean Proposal (IWC/16) that paragraph 9 of the Schedule of the U.S. Proposals be amended on line 87 by the addition of the word

"baleen" after the word "treating" to conform to the 1937 agreement, Article VII, as amended by the 1938 agreement, Article VI, be adopted."

131. MR. MACKINTOSH (U.K.): Perhaps I might add one point in reference to the minimum length of sperm whales. Although the Committee thought that 35 feet was sufficient protection for the present, if evidence should appear that the stock of sperm whales is suffering depletion in the future, we thought that the Commission might perhaps consider raising the minimum to 40 feet. I think the view was that sperm whale stock in the tropics is probably rather vulnerable to hunting and, if necessary, something to that effect could be added to the Final Act.

132. CHAIRMAN: Thank you, Dr. Mackintosh.

133. I should point out that the proposal is contained in IWC paper no. 30. I believe you have that paper before you. Since this is a matter of substance, I wish you would look at this paper before I obtain the views of the various delegations with respect to the report. Is the report of the Committee on Biological Data, IWC paper no 30, acceptable to the various delegations?

134. Argentina?

135. DELEGATE OF ARGENTINA: Yes.

136. CHAIRMAN: Australia?

137. DELEGATE OF AUSTRALIA: Yes.

138. CHAIRMAN: Canada?

139. DELEGATE OF CANADA: Yes.

140. CHAIRMAN: Chile?

141. DELEGATE OF CHILE: Yes.

142. CHAIRMAN: Denmark?

143. DELEGATE OF DENMARK: Yes.

144. CHAIRMAN: France?

145. DELEGATE OF FRANCE: Yes.

146. CHAIRMAN: Netherlands?

147. DELEGATE OF NETHERLANDS: Yes.

148. CHAIRMAN: Norway?

149. DELEGATE OF NORWAY: Yes.

150. CHAIRMAN: Peru?

151. DELEGATE OF PERU: Yes.

152. CHAIRMAN: New Zealand?

153. DELEGATE OF NEW ZEALAND: Yes.

154. CHAIRMAN: United Kingdom?

155. DELEGATE OF UNITED KINGDOM: Yes.

156. CHAIRMAN: U.S.S.R.?

157. MR. BOGDANOV (U.S.S.R.) (Interpretation): We don't object to the length of the whales, but we will have some remarks tomorrow morning regarding districts on the sperm whales.

158. CHAIRMAN: Thank you, Mr. Bogdanov. Your reservation will be noted.

159. United States?

160. DELEGATE OF THE UNITED STATES: Yes.

161. CHAIRMAN: The acceptance of the Committee report is unanimous except that the U.S.S.R. reserves its position until tomorrow.

162. I note from our proposed schedule that the Credentials Committee will meet after this session and that the Drafting Committee proposes to meet this evening at 8:30 or 9:00, whichever is most convenient to the members. On Tuesday the Subcommittee on Penalties meets at 9 a.m. We have a Plenary Session at 10 a.m. The full Penalties Committee will meet at 11 a.m., the Committee to consider the establishment of a Whaling Commission at 2 p.m., and the Drafting Committee again at 4:30. Are those hours agreeable? Mr. Dobson?

163. MR. DOBSON (U.K.): May I ask for one point. When you say the Commission Committee at 2 p.m. tomorrow, do you mean what we have been calling the FAO Committee?

164. CHAIRMAN: Yes.

165. MR. DOBSON (U.K.): Thank you. There is still one Committee you haven't mentioned and that is the Committee which was set up as a result of the Netherlands point in regard to Norway. It was agreed that we should hold our second meeting as soon as the written statements to be presented by Mr. Van Dijk and by Mr. Knudtzon were available. Could you give us a time for that?

166. CHAIRMAN: Mr. Dobson, would it be agreeable to you to set the meeting of that Committee at tomorrow morning's plenary session? It seems to me that there is a pretty full schedule for the Committees, and there is considerable overlap in membership.

167. MR. DOBSON (U.K.): Would this help you, Mr. Chairman? I think all of the Members of this Committee are here. There are Mr. Knudtzon and Mr. Van Dijk, the two protagonists, and the other three members, Mr. Anderson, Mr. Flory, and myself. Would it be possible, as this is a fairly straight-forward matter, to meet at 9 o'clock tonight?

168. CHAIRMAN: Dr. Flory is on the Drafting Committee.

169. MR. DOBSON (U.K.): I will fall in with anything you may suggest.

170. CHAIRMAN: Dr. Van Dijk is also on the Drafting Committee.

171. Would it be agreeable if at the opening of the plenary session tomorrow morning we try to find a time and a room for scheduling this Committee meeting?

172. MR. DOBSON (U.K.): I am agreeable to that. The other Committee I think you have not said anything about is the Committee on Biological Data. That you may not be able to fit in as yet.

173. CHAIRMAN: We haven't a time scheduled as yet.

174. MR. TVERIANOVICH (U.S.S.R.) (Interpretation): Mr. Chairman, taking into consideration that the majority of the European countries use the metric system of measurement, we would recommend the following matter for the discussion of the Conference.

175. We consider that in the references of the present Whaling Conference, and in the future, in the Whaling Statistics, and the reports of the International Whaling Commission, there should be included (a) for measurement of the size of whales, meters and centimeters as well as feet and inches, and (b) for measurement of the weight of oil, tons as well as barrels. The use of metric tons instead of long tons would also be desirable.

176. We would like to hear the opinion of the other delegates on this subject, or, if you find it possible or necessary, to give it further consideration in one of the committees.

177. CHAIRMAN: Thank you, Mr. Tverianovich.

178. You have heard the proposal of the U.S.S.R. that the metric system of measurement be used as well as English feet; that is, that the equivalent of feet in meters and barrels in metric tons be included in the statistical reporting.

179. Were there other comments?

180. Professor Bergersen.

181. MR. BERGERSEN (Norway): I would propose that this method be considered by the Committee on Biological Data.

182. CHAIRMAN: Thank you, Professor Bergersen.

183. MR. BRUNO (Argentina): Mr. Chairman.

184. CHAIRMAN: Mr. Bruno.

185. MR. BRUNO (Argentina): The metric system is not only used in Europe, but also in Latin America, so I would like to support the proposal of the Russian Delegation.

186. CHAIRMAN: Thank you, Mr. Bruno.

187. Were there other comments?

188. Mr. Anziani.

189. MR. ANZIANI (France) (Interpretation): Mr. Chairman, I support the proposal made by the U.S.S.R.

190. CHAIRMAN: Thank you, Mr. Anziani.

191. Dr. Van Dijk.

192. MR. VAN DIJK (Netherlands): Mr. Chairman, I second the proposal put forward by the Delegation of the U.S.S.R. I am wondering if it is quite necessary to bring this question before the Committee on Biological Data as proposed by the Delegate of Norway. In my opinion, it is not a scientific question, but perhaps just a drafting question, if this Conference could agree to that.

193. CHAIRMAN: I quite agree with you, Dr. Van Dijk. It seems to me that this is merely a matter of drafting. How about you, Mr. Dobson?

194. MR. DOBSON (U.K.): I agree it is mainly a question of drafting, but I am not quite sure what effect it is going to have. The mere insertion of the meters and centimeters in the Convention in brackets after feet is quite a simple matter, and in our Over Fishing Conference we did deal with centimeters only. But I don't know what effect this is going to have, if any, on the work of the International Bureau of Whaling Statistics. I should like to hear what Professor Bergersen would say on that.

195. CHAIRMAN: Thank you, Mr. Dobson.

196. Professor Bergersen.

197. MR. BERGERSEN (Norway): It will not be difficult, of course, in our work. It will be a little more work, but will create no serious difficulties, of course. We will have to get a little more information and have a double set of figures from the inspectors. That is all. But there will be no serious objections, of course. We can deal with it pretty well.

198. CHAIRMAN: Professor Bergersen, as a matter of information, can't the conversion be made after the statistics are received and compiled?

199. MR. BERGERSEN (Norway): Of course it can.

200. CHAIRMAN: Wouldn't that simplify the procedure --that in the published reports of the International Bureau for Whaling Statistics the equivalents be given in feet and meters? Would that meet with the approval of the U.S.S.R. Delegation?

201. MR.TVERIANOVICH (U.S.S.R.): Thank you.

202. CHAIRMAN: I take it that it does.

203. MR. DOBSON (U.K.): Then I take it, Mr. Chairman, we need only refer this to the Drafting Committee.

204. CHAIRMAN: Thank you, Mr. Dobson.

205. Dr. Flory.

206. MR. FLORY (U.S.): Mr. Chairman, I move that when the Conference in plenary session approves a report from any committee, the matter is automatically referred to the Drafting Committee. I am making this motion in order to straighten out our procedure here. I think it is desirable to save the Chairman the trouble of referring a matter to the Drafting Committee each time. I also suggest that this reference should be retroactive to the reports of the Committees which have already been approved by the Conference in plenary session.

207. CHAIRMAN: Thank you, Dr. Flory. Is there a second?

208. Dr. Van Dijk.

209. MR. VAN DIJK (Netherlands): I second.

210. CHAIRMAN: It has been seconded by Dr. Van Dijk. Are there any objections?

211. MR. BOGDANOV (U.S.S.R.) (Interpretation): We would like to hear this motion again. I didn't understand you.

212. CHAIRMAN: It will expedite the work of the Conference if, after we receive a committee report and it has been approved, we turn that over to the Drafting Committee for a wording instead of attempting a wording here.

213. MR. BOGDANOV (U.S.S.R.) (Interpretation): We quite agree with this matter.

214. CHAIRMAN: Thank you, Mr. Bogdanov.

215. I take it there is no objection and therefore we will follow this procedure and thus expedite the work of the Conference.

216. I should like to repeat again that on November 26, Tuesday, there will be a repeat showing of the Norwegian film on whaling at 1:30 p.m. at the Interior Department Auditorium at C Street between Eighteenth and Nineteenth Streets. That is Tuesday. The United States Delegation dinner for the official personnel of the visiting delegations will be in the Cabinet Room of the Willard Hotel at Fourteenth and Pennsylvania Avenue. Cocktails will be at 7 p.m., and dinner at 7:30. I understand the invitations have been distributed to your boxes. On November 27, Wednesday, the Norwegian Delegation reception at the Norwegian Embassy at 3401 Massachusetts Avenue, N.W., will be held from 6 to 8 p.m. It is understood that those invited may bring their wives.

217. Is there anything I have omitted?

218. MR. BERGERSEN (Norway): That is right.

219. CHAIRMAN: You also have the invitations for this, I presume, in your boxes.

220. Unless there is some objection, suppose the Committee on Biological Data meets at 8:30 this evening. Is that agreeable with you?

221. We now come to a matter on which we did not reach any conclusion at the last plenary session, that is regarding Article IX. I wonder if Professor Bergersen would agree to refer that matter to the Drafting Committee.

222. MR. BERGERSEN (Norway): Yes, Mr. Chairman, I agree to that.

223. CHAIRMAN: Then we will refer Article IX to the Drafting Committee.

224. The most expeditious procedure will be to go over again the proposals that we had before us for provisional consideration. If we can get approval in substance for portions of these proposals, we will have just that much out of our way. The Drafting Committee can then prepare appropriate language. May I suggest that we determine on what portions we are now in substantial agreement. On all points on which there appears to be some difference of opinion, I propose that those particular items be referred back to the appropriate committee for reconsideration.

225. Dr. Flory.

226. MR. FLORY (U.S.): Mr. Chairman, it was our belief that the membership of the Drafting Committee would deal only with selection of the words which would express the sense of

this Converence. It would deal with form, but not with the substance, of the document. If when the Drafting Committee turns in its report there is any objection on the part of any of the delegations to the choice of the Drafting Committees words, or if there is any matter on which any delegation believes that the Drafting Committee has not interpreted correctly the sense of the Conference, there would be opportunity at that time for any delegation to object and to reopen discussion. I do not believe that a detailed examination by the Conference in plenary session of each change made by the Drafting Committee would be desirable. I think it would only unnecessarily delay the word of this Conference without serving any useful purpose. If we have the understanding that any objection to the drafting can be made in plenary session, I believe it will expedite matters all the way through.

227. CHAIRMAN: Thank you, Dr. Flory. With that in view let us take up a review of the proposals contained in Document IWC/3. As I stated in the previous plenary session, the Preamble states the purposes and objectives of this Convention. Are there any comments on the Preamble?

228. I should point out for the benefit of our friends from the U.S.S.R. that the Preamble is an expression of our intention to develop a sound conservation program for whaling.

229. At this point I suggest we take a recess for a few moments.

230. MR. EDWARDS (Chile): Mr. Chairman, might I suggest that the Credentials Committee meet in the interim?

231. CHAIRMAN: I think not, we will just be recessed for five minutes.

232. If the Conference will please come to order. All of you have now had an opportunity to go over the Preamble. Are there any objections to the substance?

233. MR. FLORY (U.S.): I move the acceptance of the Preamble in substance.

234. CHAIRMAN: Is there a second?

235. MR. VAN DIJK (Netherlands): I second it.

236. CHAIRMAN: Thank you, Dr. Van Dijk. Are there any objections or any discussions? If not let us proceed to Article I.

237. As stated at the previous session, section 1 of Article I, except for the first two lines, that is lines 45 and 46, has the same wording as Article II of the 1937 agreement. Is there any discussion?

238. MR. FLORY (U.S.): Mr. Chairman, I move the acceptance of the substance of Article I, paragraph 1.

239. CHAIRMAN: Is there a second?

240. DR. VAN DIJK (Netherlands): I second.

241. CHAIRMAN: Is there any discussion, or are there any objections?

242. With regard to paragraph 2, of Article I, this paragraph specifies that the provisions of the schedule shall not apply prior to June 30, 1947. They shall apply thereafter in their present terms or as amended from time to time in accordance with the provisions of Article IV.

243. Mr. Dobson.

244. MR. DOBSON (U.K.): Mr. Chairman, I don't know whether it is a matter of substance but, of course, the date has to be altered.

245. CHAIRMAN: Certainly.

246. MR. DOBSON (U.K.): I just mentioned that in view of the U.S.S.R., who may not realize that we are going to deal with 1947-48 separately.

247. MR. EDWARDS (Chile): Is it not right that the Drafting Committee suppressed the second paragraph of Article I?

248. CHAIRMAN: The date is to be changed, I believe. Mr. Thomson, was there a change there?

249. MR. THOMSON (U.K.): Mr. Chairman, there was a question when we went through this in the first instance as to whether this provision was better coming in Article I or whether it is given in another different form in an article later on, viz., page 14, lines 257 to 260. We decided in the Drafting Committee, after considering this point, that the latter place was the more appropriate and therefore we deleted paragraph 2 in Article I.

250. CHAIRMAN: Thank you, Mr. Thomson. That is why I prefaced my remarks by saying this involves a matter of drafting. Dr. Flory.

251. MR. FLORY (U.S.): I believe the question of substance involved in paragraph 2 is merely whether the provisions of the schedule shall apply after whatever date may be established and shall continue to apply until amended by whatever means may be established in Article II.

252. CHAIRMAN: Thank you, Dr. Flory. Are there other comments?

253. MR. FLORY (U.S.): With the understanding that we have had in the previous discussion on Article I, paragraph 2,, I move the adoption of paragraph 2, Article I.

254. CHAIRMAN: Is there a second?

255. MR. EDWARDS (Chile): I second it.

256. CHAIRMAN: Mr. Edwards seconded the motion. Unless there is an objection, I take it that Article I is now approved and we can go on to Article II.

257. As I stated before, Article II is a new provision to establish a Whaling Commisssion of one representative from each contracting government. We should also explain at this time that that one representative would cast the vote for his country but he could bring such technical advisers as he deems necessary to the meetings of the Commission. Dr. Van Dijk.

258. MR. VAN DIJK (Netherlands): Mr. Chairman, as regards IWC/31, the Netherlands Delegation has submitted to the Conference a proposal regarding the Commission and Executive Committee. The Netherlands proposal refers to the Articles II and III of the draft convention. If desirable, Mr. Chairman, I'll read it.

259. "With respect to the proposal appearing in the draft convention for the establishment of a commission and of an executive committee, the Netherlands Delegation wishes to present the following views:

260. "The creation of a commission is in itself an experiment, the results of which are very difficult to foresee. Although the formulation of the commission is outlined in some detail in the draft convention, nevertheless, the exact functions of the commission are rather vague. For example, the convention outlines no exact procedure with respect to the convening of the commission--only with respect to the first meeting has there been placed on the United States the responsibility for convening the commission.

261. "In section 2 it is provided that the commission shall determine for itself its rules. The Netherlands Delegation proposes that the convention should set out the principal rules of procedure of the commission, including, among other things, when the commission is to be convened, upon whose request it is to be convened, et cetera. Although the draft convention provides for a secretariat and how the cost thereof shall be met, nothing has been provided in the convention with respect to the cost of publishing the statistical and scientific data, which material is intended to be collected by the commission. Is it the sense of the draft convention that these costs of publication are to be paid by the secretariat, which would mean according to the provisions of the draft convention that such costs would be paid by the Fisheries Division of FAO? The Netherlands Delegation proposes that these questions should be clearly defined in the convention.

262. "The draft convention contemplates the eventual incorporation of the commission with the FAO. Aside from the question as to whether or not FAO is the most suitable organization with which the commission should be affiliated, the Netherlands Delegation believes that the convention and not the commission, which is only an organ of the convention, should be incorporated in a United Nations organization.

263. "With respect to the establishment and the functions of the executive committee, the draft convention is very vague and leaves to the commission the duty of establishing and defining its functions. The Netherlands Delegation is convinced that it is absolutely necessary at the outset to definitely establish the policies and work of the commission, and, therefore, proposes that the commission should have only the right, not the duty, to select an Executive Committee. Further, if an Executive Committee is to be set up, then all of those countries who participate in whaling shall have membership on the Executive Committee, with the further provision that there shall be only one member from such country."

264. CHAIRMAN: Thank you, Dr. Van Dijk.

265. Mr. Dobson.

366. MR. DOBSON (U.K.): Mr. Chairman, may I make a proposition with regard to this matter. The Conference has already set up a committee to deal with the FAO aspect of this clause. The Netherlands' proposal deals with much more than that. It deals with the whole question of the various clauses or articles dealing with the Commission. Clearly, therefore, that must be considered by a committee and, if I am in order, I should like, possibly to save time, that this paragraph 2, Article II, and possibly other articles of the same nature as we come to them, should be referred to what has hitherto been referred to as the FAO Committee. This is scheduled to meet tomorrow at 2 p.m. I would like to move that, and to say at the same time that some of the points raised by the Netherlands document will be found to be dealt with in a short proposal which I have handed to the Technical Secretary for consideration by what was the FAO Committee.

267. CHAIRMAN: Thank you, Mr. Dobson.

268. Dr. Flory.

269. MR. FLORY (U.S.): I second Mr. Dobson's proposal.

270. CHAIRMAN: Dr. Van Dijk.

271. MR. VAN DIJK (Netherlands): Mr. Chairman, I agree.

272. CHAIRMAN: Thank you, Dr. Van Dijk.

273. Are there any other comments?

274. Mr. Bogdanov.

275. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Chairman, having the advantage of information from our Government that on the nineteenth of November of this year, it was decided to join the agreement of 1937 and its annexes or additions of 1938 and 1945, and that on November or December of this year our Government will send out an expedition to the Antarctic, I would like to ask your explanation as to whether I understood correctly that the date which is stated here has nothing to do with the previous agreements and does not limit the date of this year's operations. I personally think that the first four points of this Article II are quite acceptable, but I object to point 5 of Article II about the coordination of the functions of the International Whaling Commission with FAO on the basis that some of the countries are not members of FAO.

276. CHAIRMAN: Thank you, Mr. Bogdanov. For our information, to what date do you refer?

277. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Bogdanov would like to have it clarified whether for the expedition which is to be sent out by our Government this year, we should refer to the agreements accepted in 1937, or any later agreements, or to the date accepted by this Conference.

278. CHAIRMAN: You mean the starting date.

279. MR. BOGDANOV (U.S.S.R.) (Interpretation): That's right.

280. CHAIRMAN: Mr. Thomson.

281. MR. THOMSON (U.K.): I think that the point that the Delegation of the U.S.S.R. is trying to make is this: they want to establish the fact that the regulations which are going to apply to the present season, 1946-47, in which they are sending out an expedition, are the regulations which were made in the agreement of 1937, as amended by the protocol of 1938 and the protocol of 1945. This is, of course, the case. This convention that we are considering now, the codification convention, will not, if the British proposal regarding the season of 1947-48 is approved, come in force until the season of 1948-49.

282. CHAIRMAN: This convention will not apply until the season of 1948-49.

283. At this point I wish to express the appreciation of this Conference of the notification that we have received from the Government of the U.S.S.R., that they have decided to adhere to the convention of 1937 and the protocols of 1938 and 1945. I am sure that all of us are very glad that you have decided to join.

284. In view of the statement by the U.S.S.R. Delegation, does the U.S.S.R. Delegation wish representation on the Committee dealing with the establishment of a Whaling Convention?

285. Mr. Bogdanov.

286. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Bogdanov will give the answer tomorrow morning.

287. CHAIRMAN: It has been moved and seconded that the proposal of the Netherlands Delegation and the whole of Article II be referred to this Committee.

288. Are there any further comments? We have the reservation of the U.S.S.R. as regards representation on this Committee.

289. Mr. Dobson.

290. MR. DOBSON (U.K.): Before you pass that, would you just look at Article III and Article IV.

291. CHAIRMAN: Thank you, Mr. Dobson.

292. With reference to Article III, we thought that that also must be delayed until we received the report from the Committee on Establishment of a Whaling Commission.

293. MR. DOBSON (U.K.): I am content.

294. CHAIRMAN: I suppose the simplest procedure would be to refer Article III and Article IV to that Committee also. Is there a motion to that effect?

295. Dr. Flory.

296. MR. FLORY (U.S.): I so move.

297. CHAIRMAN: Is there a second?

298. MR. VAN DIJK (Netherlands): I second.

299. CHAIRMAN: Unless there is objection, Articles III and IV also will be referred to the Committee on Establishment of a Whaling Commission. Since the functions of the Committee on Establishment of a Whaling Commission have been expanded, do other delegations wish to be represented on this Committee? If so, they will please notify the Technical Secretary of this Conference, Mr. Chaney, of their intention and he will make the necessary arrangements.

300. We come now to Article V. This Article, that is lines 157 to 160, is new, but it is similar, as I have stated before, to provisions included in recent fisheries agreements. Can I have a motion to approve this Article in substance, or are there other comments the delegations wish to make.

301. Mr. Edwards.

302. MR. EDWARDS (Chile): I move it be approved.

303. CHAIRMAN: Mr. Edwards of Chile has moved that we approve this Article V in substance. Is there a second?

304. Dr. Flory.

305. MR. FLORY (U.S.): I second the motion.

306. CHAIRMAN: Any discussion?

307. Unless there are objections we will refer Article V to the Drafting Committee for a final wording.

308. As regards Article VI, the wording in lines 161 to 172 is taken in part from the last part of Article I of the 1937 agreement, and from the proceedings of the 1945 conference. Lines 178 to 182 are essentially the same, or are the same as the wording of Article III of the 1937 agreement. Lines 183 to 187 are taken from the last part of Article XIII of the 1937 agreement. Lines 188 to 198 are new. This relates to the uniform penalty.

309. Dr. Flory.

310. MR. FLORY (U.S.): Mr. Chairman, I move that the substance of Article VI, paragraphs 1, 2, and 3 (a) be approved in substance and referred to the Drafting Committee.

311. CHAIRMAN: Is there a second?

312. Mr. Dobson.

313. MR. DOBSON (U.K.): United Kingdom seconds.

314. CHAIRMAN: Is there any discussion? The motion is to refer paragraphs 1, 2, and 3 (a) but not 3 (b) to the Drafting Committee. 3 (b) has already been referred to a committee for consideration.

315. I take it that the Conference approves referring sections 1, 2, and 3 (a) to the Drafting Committee.

316. Article VII is, as we have stated before, based on a number of paragraphs of earlier agreements and is expanded and revised to cover all statistical reporting requirements. Do we have a motion to refer Article VII to the Drafting Committee?

317. Mr. Flory.

318. MR. FLORY (U.S.): I so move.

319. CHAIRMAN: Is there a second?

320. MR. EDWARDS (Chile): I second the motion.

321. CHAIRMAN: Mr. Edwards seconds the motion. Is there any discussion of Article VII? If there is no objection, we will consider that the Conference approves referring Article VII to the Drafting Committee.

322. Article VIII, lines 205 to 214 are taken from Article X of the 1937 agreement. However, the two sentences reading, "Each contracting Government shall report to the Commission all such authorizations which it has been granted" are new. The remainder has been taken from Article X of the 1937 agreement.

323. It should be noted in connection with lines 219 to 224, Article VIII, paragraph 2, that reporting is also partly covered in Article III, section 2, lines 105 to 113. Reporting is covered twice but in different aspects. The remainder of Article VIII stresses the importance of scientific research and encourages dissemination of the resultant information. What is the wish of this Conference in regard to Article VIII?

324. MR. FLORY (U.S.): I move that the Conference approve the substance of Article VIII and refer it to the Drafting Committee.

325. CHAIRMAN: You have the motion; is there a a second?

326. MR. RODD (Canada) I second the motion.

327. CHAIRMAN: It has been moved and seconded. Is there further discussion? Unless there is an objection I take it that the Conference approves referring Article VIII to the Drafting Committee and we will take up Article IX.

328. Article IX already has been referred to the Drafting Committee.

329. Article X is similar in substance to the "entry into force" provisions in some previous whaling agreements except that it does not name specific governments. It would seem desirable to refer Article X to the Committee on Establishment of a Whaling Commission. These matters seem to be somewhat interrelated. I believe they can be dealt with effectively by that Committee, in order to assure continuity of the substance of the regulations. We should make certain that this Article will be tied in with the coming into force of the Whaling Commission.

330. Is there any discussion?

331. MR. DOBSON (U.K.): Mr. Chairman.

332. CHAIRMAN: Mr. Dobson.

333. MR. DOBSON (U.K.): I am not quite sure I appreciate this. Is not this a matter of what I call "a common form" clause that should just go to the Drafting Committee, or is it a special wish that you should add it to the other committee, who have a lot to do already?

334. CHAIRMAN: Thank you, Mr. Dobson.

335. Dr. Flory.

336. DR. FLORY (U.S.): The one consideration we had in mind was that we should assure at all costs that any interim agreement at which we may arrive will not allow any period when whaling is unregulated. Therefore, we wanted to assure that the entry into force of this convention be no later than the termination of any interim agreements. I agree with you completely that the "entry into force" provision as here drafted is quite ordinary. But our thought was that we might want to hold this up slightly until we see what arrangement is made for the interim agreement.

337. MR. DOBSON (U.K.): I am sorry, Mr. Chairman, I still feel some doubt. The other Committee deals with the Commission. I see Mr. Flory's point but it seems to me this is a clause where the Drafting Committee could best function, especially in connection with any termination clause as regards the previous agreements. It appears a little like bringing extraneous matter into the Committee, which has its hands full dealing with the Commission.

338. CHAIRMAN: We concede, Mr. Dobson. We were trying to expedite matters, and I concede that we confused issues a little.

339. MR. DOBSON (U.K.): As Chairman of the Committee on Establishment of a Whaling Commission, I should prefer the Drafting Committee to carry on with this.

340. MR. FLORY (U.S.): I move that Article X be approved in substance and be referred to the Drafting Committee.

341. CHAIRMAN: The motion then before us is to refer Article X to the Drafting Committee. Do I hear a second? Mr. Anderson.

342. MR. ANDERSON (Australia): I second it.

343. CHAIRMAN: Mr. Anderson seconds the motion. Is there any discussion or are there any objections? If not, we will refer this Article X to the Drafting Committee.

344. Next for consideration is Article XI, which contains the provision for denunciation. It is similar in substance to Article XXI of the 1937 agreement.

345. MR. FLORY (U.S.): Mr. Chairman, I move that the Conference approve the substance of Article XI and refer it to the Drafting Committee.

346. CHAIRMAN: Is there a second?

347. MR. BRUNO (Argentina): I second it.

348. CHAIRMAN: The motion has been seconded by the Argentine Delegation. Is there any discussion or are there any objections? I take it therefore there are no objections, and we can proceed to the schedule which commences on page 16.

349. Paragraph 1 of the schedule states it is forbidden to take or kill grey whales or right whales. This wording, as we have stated, is taken from Article IV of the 1937 agreement. Is there a motion to refer this paragraph to the Drafting Committee?

350. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Chairman, as our Delegate has stated in the previous session of this Conference, there should be made an amendment to this Article. As previously stated, it is necessary for our

national minorities in the north of our country to kill a small number of the grey whales for their own needs. Such a strict prohibition on the killing of grey whales will make it very difficult for them to procure their means of living. I would like to propose an amendment to this Article, as follows: except in cases when grey whales are killed for the means of living of the national minorities in the north of our country.

351. CHAIRMAN: Thank you, Mr. Bogdanov. Mr. Thomson.

352. MR. THOMSON (U.K.): Mr. Chairman, with regard to this proposed amendment, I do not know whether the Delegation of the U.S.S.R. realizes that this exception comes within the general scope of the convention which is limited to factory ships and land stations. If these operations to which the U.S.S.R. Delegation refers are carried on by people who do not use factory ships or process their catches at land stations, I do not think this prohibition would apply to them, in which case they may consider that any amendment is unnecessary. It is, of course, provided for in the Geneva Convention that aborigines who only use small boats and kill only for their own needs are allowed to do so.

353. CHAIRMAN: This convention applies only to factory ships, land stations, and whale catchers.

354. MR. BOGDANOV (U.S.S.R.) (Interpretation): I quite understand the statement made by the Delegate of the United Kingdom, but I would like to make an explanation of this point. The inhabitants of the northern districts of our country do not have at their disposal all the modern means for killing whales. They carry out this killing of whales by all kinds of means and by such equipment as they have at their disposal at the time. Meteorological conditions and other weather conditions at some times are so difficult that they simply cannot kill any whales with their equipment. That is why it is necessary for our Government, in order to prevent the starvation of this population, to send out a vessel to kill enough whales for the needs of this population.

355. Our Government is always precise in the carrying out of their international agreements, and if the amendment to the paragraph that we want is not made, the population of the northern district of our country might starve.

356. CHAIRMAN: Thank you very much, Mr. Bogdanov.

357. Dr. Flory?

358. MR. FLORY (U.S.): Mr. Chairman, I move that the provisions of paragraph 1 of the schedule, together with the proposal of the U.S.S.R. Delegation, be referred to the Committee on Biological Data.

359. CHAIRMAN: Is there any second?

360. MR. EDWARDS (Chile): I second that motion.

361. CHAIRMAN: It has been moved and seconded that paragraph 1 of the schedule and the proposal of the U.S.S.R. Delegation be referred to the Committee on Biological Data. Is there any discussion?

362. Mr. Anziani?

363. MR. ANZIANI (France) (Interpretation): Mr. Chairman, would it not be simpler to modify paragraph 1 of the schedule to read that "it is forbidden to take or kill grey whales or right whales for industrial treatment".

364. CHAIRMAN: That wording can also be referred to the Committee on Biological Data. I think we can expedite procedure on these points in which we have a difference of opinion by referring them to an appropriate committee and then let it come out with the wording.

365. Is there any objection?

366. MR. DOBSON (U.K.): Mr. Chairman, it just occurred to me that it might not be necessary to do more than refer this to the Drafting Committee. You might adopt the French words except for "human food" and I do not know that it is going to add anything if we referred it to the Committee on Biological Data. If this is a case where some sort of exception might be granted, then it is a drafting matter.

367. CHAIRMAN: I believe it would be the simplest procedure to refer it to the Drafting Committee to make such an exception. Is the Conference in agreement?

368. (Chorus of ayes)

369. Will someone propose an amendment to the original motion?

370. Mr. Flory.

371. MR. FLORY (U.S.): Mr. Chairman, I move this Conference agree to the exception proposed by the U.S.S.R. and refer the substance of paragraph 1 of the schedule to the Drafting Committee in lieu of my prior motion to refer this matter to the Committee on Biological Data.

372. CHAIRMAN: Thank you, Dr. Flory. Is there a second?

373. Mr. Rodd.

374. MR. RODD (Canada): I second.

375. CHAIRMAN: It has been moved and seconded that the substance of paragraph 1, with the proposed amendments, be referred to the Drafting Committee. Are there any objections or is there any discussion?

376. I assume it is approved. We can go on to paragraph 2 which is designed to protect immature whales of all species. It is taken from Article VI of the 1937 agreement.

377. MR. FLORY (U.S.) I move that paragraph 2 of the schedule be approved in substance and referred to the Drafting Committee.

378. CHAIRMAN: Mr. Bogdanov.

379. MR. BOGDANOV (U.S.S.R.): I second.

380. CHAIRMAN: Is there any discussion? It has been moved and seconded that paragraph 2 be referred to the Drafting Committee. Are there any objections? If not, we will take it as approved and refer it to the Drafting Committee and proceed with paragraph 3.

381. In paragraph 3, lines 6 to 10 are taken from Article IX of the 1937 agreement. Under (a) following the words "in the waters north of 66° North Latitude", we have deleted "except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of whales by such ship or capture shall be permitted between 66° North Latitude and 72° North Latitude". That is essentially north of Bering Strait.

382. The general intent of the deletion of that particular phrase is to prevent the killing of grey whales and right whales in the region north of Bering Strait by factory ships.

383. The general intent of the remainder of this Article is to give protection, or give some protection at least to whales on their tropical calving grounds. Are there any other comments?

384. Dr. Flory.

385. MR. FLORY (U.S.): I move that the Conference approve the substance of paragraph 3 and refer it to the Drafting Committee.

386. CHAIRMAN: Is there a second?

387. Mr. Edwards.

388. MR. EDWARDS (Chile): I second that motion.

389. CHAIRMAN: It has been moved and seconded. Is there any discussion or any objection? If not let us assume that the Conference accepts the reference of Article III, or paragraph 3 to the Drafting Committee.

390. Paragraph 4 is a sanctuary proposal. The wording is taken from Article II of the 1938 protocol. This paragraph reestablishes the sanctuary provision insofar as factory ship operations are concerned.

391. We thought it desirable to introduce the sanctuary proposal again, not only as a conservation measure, but to assure recognition of the principle of a sanctuary.

392. Is there any discussion?

393. Dr. Flory.

394. MR. FLORY (U.S.): I move that the Conference approve the substance of paragraph 4 and refer it to the Drafting Committee.

395. MR. RODD (Canada): I second the motion.

396. CHAIRMAN: It has been moved and seconded that the substance of paragraph 4 be referred to the Drafting Committee.

397. Is there any discussion or any objections? If not, I take it that the Conference approves referring Article IV to the Drafting Committee.

398. Article V deals with humpbacks, and the wording is taken from Article I of the 1938 protocol. This Article already has been referred to the Biological Committee and therefore need not be considered further at this time.

399. Article VI prescribes the season for Antarctic whaling operations. A proposal was made on the floor the other day that the season run from the fifteenth day of December to the fourteenth day of March.

400. Mr. Dobson.

401. MR. DOBSON (U.K.): I hope I made myself clear earlier in the session, but I think I made it clear that in my view this should also go to the Biological Subcommittee, and it is one of the two matters that was discussed informally this morning at my suggestion, and we want now to put it in order. It was referred to the Biological Committee.

402. CHAIRMAN: Fine.

403. That has been taken care of. Article VI has been referred to the Biological Committee.

404. Paragraph 7 is essentially the same as Article III, section 1 of the 1944 protocol, and Article IV, section 1 of the 1945 protocol. This establishes an over-all limitation on the catch in waters south of 40° south latitude.

405. MR. BOGDANOV (U.S.S.R.) (Interpretation): I think that it is too early to designate a figure of 16,000 whales right now. We don't know all the quantity of whales, and I think, according to this Article, it seems that we are appointing the figure 100,000 years ahead. I think that the quantity of whales which should be taken must be designated for each year according to the reports of all our scientists and of all the scientific institutions of whaling.

406. CHAIRMAN: Thank you, Mr. Bogdanov.

407. I would like to point out that unless we set up this definite figure or limit--not 16,000 whales, but 16,000 blue whale units--and continue that limit for a few years, we will have no statistical basis on which to determine how many whales there are or the condition of the whale stock. It is very necessary that we maintain a definite limitation for a few years to get the much needed fundamental data.

408. Mr. Bogdanov?

409. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Bogdanov would like to hear the opinion of other delegates of the Conference.

410. CHAIRMAN: Is there any further comment?

411. Mr. Bogdanov has requested the opinion of the other delegations in regard to this 16,000 blue whale limit.

412. Professor Bergersen?

413. MR. BERGERSEN (Norway): Mr. Chairman, I hope that the Soviet Delegation will join with us. It is exactly as our Chairman has stated. It would be practically impossible to fix material use, that is statistical material, without having this limit. This sets the figures. It is really necessary to have it. This 16,000 blue whale unit corresponds to something like 1,700,000 or 1,800,000 barrels, about 300,000 tons. That is the meaning of this figure. It is certainly necessary to have some sort of limitation, and we haven't any other figure to propose. It is the best one that we can make.

414. CHAIRMAN: Thank you, Professor Bergersen.

415. MR. DOBSON (U.K.): I support what Professor Bergersen has said, and I hope very much that the U.S.S.R. Delegation will not press this point. But there is another thing I would like to call attention to. I am not quite sure whether as the Articles are now drawn, or whether as they may be drawn as the result of the considerations by the Committee that you have set up to meet at 2 p.m. tomorrow, whether the Commission would have the power to alter this 16,000 blue-whale unit.

416. If the Commission is given that power, and that is in the first case a matter for the Committee to consider, it would mean that the U.S.S.R. Representative's point about having a more or less annual figure variable from time to time could be settled by the Commission.

417. CHAIRMAN: Thank you, Mr. Dobson.

418. Were there any further comments?

419. MR. FLORY (U.S.): I move that the substance of paragraph 7 be referred to the Biological Committee for a report.

420. CHAIRMAN: Dr. Van Dijk?

421. MR. VAN DIJK (Netherlands): Mr. Chairman, I don't see the necessity for referring paragraph 7 to the Biological Committee. As Mr. Dobson of the United Kingdom has pointed out, it is within the capacity and the authorized powers of the Commission, if that Commission is adopted, to decide on the number of whales each year. I quite agree with your point of view that it is quite necessary in order to get some good information on the whale stock that there should be a certain fixed number and even for a certain period, which should be fixed in order that we can get the necessary statistical data.

422. CHAIRMAN: Thank you, Mr. Van Dijk. What I had in mind was that if we referred this matter to the Biological Committee, the Representative from the U.S.S.R. would get the benefit of, let us say, further ventilation of what is behind the setting up of the 16,000 blue-whale unit and thus prevent undue delay in the Conference deliberations. That is what I had in mind when I made the suggestion, but I am entirely at the disposal of the Conference. A motion has been made that paragraph 7 be referred to the Biological Committee.

423. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Chairman, it is very difficult to say that the quota or the number of whales won't change. It is very difficult to say that the number of whales won't change at all. So I propose, for the second time, that the quota of whales will be designed or will be appointed only for one year, and I propose that this matter will be given for consideration of the Biological Committee.

424. CHAIRMAN: The statement of the U.S.S.R. Delegate will be considered as a second to the motion that paragraph 7 be referred to the Biological Committee. Is there any discussion? If there are no objections, I assume that the Conference approves referring the matter of the 16,000 blue whale limitation to the Biological Committee. Inasmuch as it is now 6 o'clock, I propose that the Conference adjourn and that we meet here tomorrow morning at 10:00 a.m.

425. (The meeting adjourned at 6:00 p.m.)

DONALD J. CHANEY
Technical Secretary

-END-

RESTRICTED
Corrigendum A
IWC/32

November 27, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM A

MINUTES OF THE SEVENTH SESSION

November 25, 1946

The following paragraph should read as shown below (changes in text indicated by underscoring):

Page 8

107. DELEGATE OF UNITED KINGDOM (MR. DOBSON): Yes. We did attempt to collect this information. All the letters were drafted, but the outbreak of the war prevented us from going any further.

- END -

RESTRICTED
Corrigendum B
IWC/32

November 27, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM B

MINUTES OF THE SEVENTH SESSION

November 25, 1946

The following paragraphs should read as shown below (changes in text indicated by underscoring):

Page 7

81. MR. KNUDTZON (Norway): Mr. Chairman, in the Final Act of the 1939 conference, it was stated that in the future the British Authorities would collect current and future laws and regulations relating to whaling and send these to the other states. In the Penalties Committee today I suggested that we put into the schedule a provision to the effect that this information be sent to the Commission and this suggestion was supported by other delegations. On behalf of the Norwegian Delegation I propose that the question of such a provision be put on the agenda and that the question be referred to the Penalties Committee. Thank you, Mr. Chairman.

Page 30

413. MR. BERGERSEN (Norway): Mr. Chairman, I hope that the Soviet Delegation will join with us. It is exactly as our Chairman has stated. It would be practically impossible to get any idea of the effect which the operations have on the stocks of whales unless the maximum catch is fixed for a number of seasons. This sets the figures. It is really necessary to have it. This 16,000 blue whale unit corresponds to something like 1,700,000 or 1,800,000 barrels of whale oil or about 300,000 tons. That is the meaning of this figure. It is certainly necessary to have some sort of limitation, and we haven't any other figure to propose. It is the best one that we can make.

- END -

RESTRICTED
Corrigendum C
IWC/32
November 27, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM C

MINUTES OF THE SEVENTH SESSION

Monday, November 25, 1946

The following paragraph should read as shown below (changes in text indicated by underscoring):

Page 2

11. MR. THOMSON (U.K.): Mr. Chairman, with regard to the Drafting Committee, subject to the agreement of my colleagues on that Committee, I should certainly be prepared to hold a meeting either after this plenary session is finished or, if that goes on for any considerable length of time, some time later this evening. I'm afraid it won't be possible to hold the meeting till fairly late as we ourselves have a small social function tonight.

- END -

RESTRICTED
IWC/37

November 26, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE EIGHTH SESSION

TIME: Tuesday, November 26, 1946, 10:40 a.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order.

2. As regards the Order of the Day, we had set 11 a.m. as the time for a meeting of the Committee on Penalties To Consider Section 3 (b) of Article VI; that meeting has now been postponed until the conclusion of this plenary session, and if that is too near noon, the Technical Secretary will consult with you for an appropriate time.

3. The Committee on Establishment of a Whaling Commission meets at 2 p.m.; the Drafting Committee will meet at 4:30 p.m.

4. Again, I would like to call to the attention of the delegates that on this day, Tuesday, the U.S. Delegation dinner for the officer personnel of the visiting delegations is in the Cabinet Room of the Willard Hotel, 14th and Pennsylvania Avenue; cocktails at 7 p.m., and dinner at 7:30 p.m. The invitations are in your boxes, if you have not already received them. The Cabinet Room, formerly on the mezzanine floor, is now located in Peacock Alley, directly across from the Willard Room, its entrance is off F Street.

5. Now, as regards the whaling film.

6. MR. DEASON (U.S.): Arrangements have been made for a second showing of the Norwegian whaling film today at 1:30 p.m. in the Interior Department Auditorium, which is located on C Street between 18th and 19th, N.W.; this is a large auditorium and there is plenty of room for anyone who cares to view this exceptional film.

7. CHAIRMAN: I would like to interrupt the proceedings for a moment in order to introduce Mr. Drago of Argentina.

8. Thank you.

9. And Commander Tirado of Peru, if you will please stand.

(10 pages)

10. Thank you.

11. Are there any other delegates I have failed to introduce?

12. I will now call on the Technical Secretary to read the second interim report of the Committee on Credentials.

13. MR. CHANEY (Tecnical Secretary): "The Committee on Credentials met for the second time on November 25, 1946, at 6:00 p.m., at the Conference Headquarters.

14. The credentials of the Representatives of the following two Goverments to participate in this Conference were examined and found to be in good order: Brazil and the Union of Soviet Socialist Republics.

15. The Committee recommends to the Conference the acceptance of these credentials and the extension to these Representatives of the right of participation in the Conference, in accordance with the Rules of Procedure provisionally adopted at the opening session.

16. The Conference unanimously adopted at the opening session a motion to extend an invitation for officers of the Secretatiat of the Food and Agriculture Organization of the United Nations to attend the Conference sessions and committee meetings as observers. The committee had occasion to read the letter of the President of the Conference to the Director General of the Organization, extending this invitation, and to read also the reply of the Counselor and Acting Director General nominating certain officers to attend, The Committee accordingly recommends that Dr. D. B. Finn, Mr. H. Winsor, and Mr. H. V. Knight, the officers of the Organization so nominated, be permitted to attend the Conference sessions and committee meetings as observers.

17. The full powers of the following representatives of eight of the prespective plenipotentiary deligations were examined and found to be in good order:

ARGENTINA:

Oscar Invanissevich;
Ambassador to the United States
Jose Manuel Moneta
Commander Guillermo Brown
Pedro H. Bruno Videla

CANADA:

H. Hume Wrong,
Ambassador to the United States
Harry A. Scott,
Commerical Counsellor, Embassy, Washington

CHILE:

Agustin R. Edwards

DENMARK:

Peter Freidrich Erichsen,
Adviser on Fisheries,
Ministry of Agriculture and Fisheries

NETHERLANDS:

D. J. van Dijk,
Head, Department of Fisheries,
Ministry of Agriculture, Fisheries and Provisioning
H. S. Drost,
Inspector of Fisheries
C. G. H. von Felde,
Attorney, Netherlands Whaling Corporation

NEW ZEALAND:

Guy Richardson Powles,
First Secretary, New Zealand Legation,
Washington

UNITED KINGDOM:

Alban Tabor Austin Dobson,
Adviser to the Ministry of Agriculture and Fisheries
John Thomson,
Chief Inspector of Fisheries,
Ministry of Agriculture and Fisheries

UNITED STATES:

Remington Kellogg,
Curator, Division of Mammals, Smithsonian Institution
Ira N. Gabrielson,
Consultant, Fish and Wildlife Service,
Department of the Interior
William E. S. Flory,
Acting Assistant Chief, International Resources Division, Department of State

18. The Committee recommends to the Conference the acceptance of these full powers and the accordance to the Representatives named in them of the full right of participation in the Conference as plenipotentiary delegates.

19. The Committee calls the attention of the representatives whose full powers have not yet been deposited to the necessity of submitting those powers to the Secretary General as soon as possible."

20. CHAIRMAN: You have the report. Is there a motion for adoption of the report?

21. CHAIRMAN: You have the report. Is there a motion for the adoption of the report?

22. Mr. Edwards.

23. MR. EDWARDS (Chile): I move the adoption of the report.

24. CHAIRMAN: Is there a second?

25. MR. DOBSON (U.K.): I second that.

26. CHAIRMAN: Thank you, Mr. Dobson.

27. We have the motion and it has been seconded. What is the wish of the Conference? Are there any objections to the acceptance? I take it there are no objections and the committee report will be accepted.

28. I wish to repeat again that those delegations who have not as yet deposited their full powers with the Secretary General of the Conference will please do so as soon as they have them.

29. The Technical Secretary will now read the report of the Committee on Biological Data.

30. MR. CHANEY (Technical Secretary): "The Committee on Biological Data met at 8:30 p.m., November 25, 1946 at Conference Headquarters, to consider recommendations which might be made with respect to (1) the protection of humpback whales, (2) length of the whaling season, and (3) the over-all limitation of 16,000 blue-whale units.

31. The Committee met under the chairmanship of Mr. Mackintosh (U.K.): the other members present were Mr. Anderson (Australia), Mr. Setter (Australia), Mr. Budker (France), Mr. Drost (Netherlands), Mr. Ruud (Norway), Mr. Bergersen (Norway), Mr. Powles (New Zealand), Mr. Bogdanov (U.S.S.R.), Mr. Tverianovich (U.S.S.R.), Mr. Dobson (U.K.), Mr. Salvesen (U.K.), and Mr. Kellogg (U.S.).

32. The Committee recommends the adoption of paragraph 5 of the schedule with the following proviso:

that it be a recommendation to the Commission that this question be examined after taking into consideration the biological and other data available with a view to removing the prohibition after the 1948-49 season (and summer of 1949 season), and, as an alternative, to consider the limiting of the number of humpbacks to be taken both in the Antarctic and tropical areas.

33. The Committee recommends that in paragraph 6(a) of the schedule the eighth day of December to the seventh day of March should be changed to the fifteenth day of December to the first day of April. It is, however, recommended that this period should also receive the attention of the Commission.

34. The Committee recommends that the limit of 16,000 blue-whale units as set forth in paragraph 7(a) of the schedule should be maintained but that the Commission should keep this figure under review in the light of relevant evidence.

35. The representative of the U.S.S.R. stated that his Government desires to conduct whaling operations during the 1946-47 season for a period of 120 days from the date they arrive on the whaling grounds, citing arrangements which were made for the 1945-46 season for whaling vessels to operate for a period of this length. The Committee states that it is not within its competence to deal with provisions applicable to the 1946-47 season since the provisions for that season were established by the 1945 protocol, which is now in effect."

36. CHAIRMAN: You have the report of the Committee. Can we have a motion for its adoption?

37. MR. DOBSON (U.K.): Mr. Chairman.

38. CHAIRMAN: Mr. Dobson.

39. MR. DOBSON (U.K.): I should like to move the adoption of that report, and I do so on the understanding that recommendations that we have made which will affect the Commission will, of course, be incorporated in the Final Act.

40. CHAIRMAN: Thank you, Mr. Dobson. Is there a second?

41. Mr. Edwards.

42. MR. EDWARDS (Chile): I second that motion.

43. CHAIRMAN: The motion has now been seconded. Are there any objections to the acceptance of the Committee report?

44. MR. BODGANOV (U.S.S.R.) (Interpretation): Mr. Chairman, we don't have any objection to this article but we would like that you include our statement in the Final Act.

45. CHAIRMAN: Very well. It will be so recorded. Thank you, Mr. Bogdanov. I notice that Mr. Nikishin of the U.S.S.R. Delegation has come. Will you please rise?

46. Thank you, Mr. Nikishin.

47. Are there any reports from other committees?

48. Mr. Thomson.

49. MR. THOMSON (U.K.): The Drafting Committee met last night and after a long discussion failed to reach agreement as to the terms and conditions under which factory ships should be allowed to operate within territorial waters. It was, accordingly, decided to ask the Conference to appoint an ad hoc committee upon which one or more biologists would serve with

the following terms of reference: (a) to consider the desirability or otherwise of permitting the use of factory ships within territorial waters whichshall be subject to the same conditions as those applicable to land stations; (b) to consider whether, if such use of factory ships is to be permitted, such permission should be general or limited to any particular area or country; (c) to consider whether, if such use is permitted either generally or to a limited extent, the permission should be included in the body of the convention or be made subject to review by the commission by inclusion in the schedule.

50. CHAIRMAN: Thank you , Mr. Thomson. In view of this difficulty, the most expeditious procedure would be to appoint an ad hoc committee on the use of factory ships within territorial waters. I propose to poll the delegations to see if they wish representation on this committee.

51. Mr. Anziani.

52. MR ANZIANI (France) (Interpretation): Mr. Chairman, at the end of last night's meeting, the following points appear to have been brought forth: One, to define and include in the Convention the terms "factory ships" and "land stations", with the following definitions: (1) "factory ship" means a ship in which or on which whales are treated whether wholly or in part, and (2) "land station" means a factory on the land in which or at which whales are treated whether wholly or in part. Two, to include in the schedule certain conditions giving the legal and precise standing of a factory ship operating in territorial waters. This is the definition: "land station" means a factory on the land or a factory vessel operating under the jurisdiction of a contracting government solely on its territorial waters in which or at which whales are treated, whether wholly or in part.

53. The explanations which were given with regard to these points are of a nature to satisfy our Government, provided the provision set forth in Article VI of the Convention be maintained, and that partial exploitation of large whales with a view of the maximum production of fats be thus facilitated; and under the circumstances and to avoid expending unduly the delay of the Conference, France is ready to accept the proposals made last night, November 25, 1946, during the session of the Drafting Committee.

54. CHAIRMAN: Thank you, Mr. Anziani. Mr. Edwards.

55. MR. EDWARDS (Chile): Mr. Chairman, my Government would be perfectly prepared to accept the arrangement suggested by the French Delegation, always provided that the zone in which these exceptions in the schedule could be fixed and not applicable throughout the world. It is not applicable to us. On those grounds we would be quite prepared to accept the definition as suggested by our French friends.

56. CHAIRMAN: Your observation has been noted, Mr. Edwards. Mr. Dobson.

57. MR. DOBSON (U.K.): Mr. Chairman, it seems to me that we perfectly understand here the terms of the French resolution, but it seems to me that, in view of the fact, I certainly get the impression that the Committee last night felt, perhaps, that matters were being raised which were more than drafting points. I think it would be safer, and, indeed, more in accord with the Rules of Procedure which have been laid down for this Conference, if this matter went to a special committee to make its recommendations. And I, therefore, am inclined to support, Mr. Chairman, your proposal that this should go to a special subcommittee—a special committee--much as I regret possibly prolonging the discussion.

58. CHAIRMAN: Thank you, Mr. Dobson. Mr. Anziani, would it be agreeable to you to refer this matter to such a committee, determine the substance, and come back with a wording? It will greatly expedite the work of this Conference.

59. MR. ANZIANI (France): Yes, Mr. Chairman.

60. CHAIRMAN: Thank you very much. Then we will ---

61. MR. EDWARDS (Chile): I'm quite agreeable to that, Mr. Chairman.

62. CHAIRMAN: Thank you, Mr. Edwards. Are there any other further comments? If not, we will poll the delegations of the Conference. Argentina, do you wish representation on this special committee?

63. DELEGATE OF ARGENTINA: Yes.

64. CHAIRMAN: Australia?

65. DELEGATE OF AUSTRALIA: Yes.

66. CHAIRMAN: Canada?

67. DELEGATE OF CANADA: No.

68. CHAIRMAN: Chile?

69. DELEGATE OF CHILE: Yes.

70. CHAIRMAN: Denmark?

71. DELEGATE OF DENMARK: Yes.

72. CHAIRMAN: France?

73. DELEGATE OF FRANCE: Yes.

74. CHAIRMAN: Netherlands?

75. DELEGATE OF NETHERLANDS: No.

76. CHAIRMAN: New Zealand?

77. DELEGATE OF NEW ZEALAND: No.

78. CHAIRMAN: Norway?

79. DELEGATE OF NORWAY: Yes.

80. CHAIRMAN: Peru?

81. DELEGATE OF PERU: Yes.

82. CHAIRMAN: U.S.S.R.?

83. DELEGATE OF U.S.S.R.: Yes, Mr. Chairman.

84. CHAIRMAN: Thank you, United Kingdom?

85. DELEGATE OF U.K.: Yes.

86. CHAIRMAN: United States?

87. DELEGATE OF U.S.: Yes.

88. CHAIRMAN: Now, if the Technical Secretary will please read off the list of delegatioons who wish representation on the ad hoc committee on the use of factory ships within territorial waters.

89. MR CHANEY (Technical Secretary): The following countries have indicated ---

90. CHAIRMAN: Just a moment. Argentina.

91. MR. DRAGO (Argentina): Mr. Chairman, I believe there has been a misunderstanding. First we thought that you were polling the delegations as to the advisability for the report of that committee, and then we found out that you were just inquiring which persons wanted to be represented in the committee. In that case, Argentina would not be.

92. CHAIRMAN: Thank you, Mr. Drago.

93. MR CHANEY (Technical Secretary): The following countries have indicated that they wish representation on the ad hoc committee to consider the use of factory ships within territorial waters: Australia, Chile, Denmark, France, Norway, Peru, U.S.S.R., United Kingdom, and United States.

94. CHAIRMAN: Now, if the members that have been appointed by their respective delegations to this ad hoc committee will meet with the Technical Secretary, Mr. Chaney, at the close of this session, he will determine the most convenient time to meet and assign a room for the meeting. Were there any other committee reports? If not, I should like to read a proposal that the U.S.S.R. Delegation has handed to me for reading.

95. "At yesterday's session the Soviet Delegation made a statement that it would submit its reply to point three of the schedule later. We request that item "a" of Article III be left in the form it was accepted in the schedule of 1938. Taking advantage of this reservation, we would like to discuss this question at the present Conference."

96. Now, what the proposal means is that it has been proposed by the U.S.S.R. Delegation that we return to the original wording of paragraph 3(a); that is, we adopt the wording of Article 7 of the 1938 protocol, which reads as follows:

97. "It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas, viz.: (a) in the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of whales by such ship or catcher shall be permitted between 66° North Latitude and 72° North Latitude.

98. (b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude.

99. (c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude.

100. (d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude.

101. (3) in the Indian Ocean and its dependent waters north of 40° South Latitude."

102. Dr. Flory?

103. MR. FLORY (U.S.): Mr. Chairman, I move the acceptance of the substance of paragraph 3, including the reservation and the wording suggested by the U.S.S.R.

104. CHAIRMAN: It has been moved that we return to the original wording of paragraph 3 (a).

105. Is there a second?

106. MR. BERGERSEN (Norway): Mr. Chairman.

107. CHAIRMAN: Professor Bergersen.

108. MR. BERGERSEN: I second this motion.

109. CHAIRMAN: It has been moved and seconded that we revert to the original wording. Is there any discussion? The most expeditious manner of handling this will be to poll the delegations and see if they agree to the acceptance; then we do not have to refer the matter back to any committee.

110. Argentina?

111. DELEGATE OF ARGENTINA: Yes.

112. CHAIRMAN: Australia?

113. DELEGATE OF AUSTRALIA: Yes.

114. CHAIRMAN: Canada?

115. DELEGATE OF CANADA: Yes.

116. CHAIRMAN: Chile?

117. DELEGATE OF CHILE: Yes.

118. CHAIRMAN: Denmark?

119. DELEGATE OF DENMARK: Yes.

120. CHAIRMAN: France?

121. DELEGATE OF FRANCE: Yes.

122. CHAIRMAN: Netherlands?

123. DELEGATE OF NETHERLANDS: Yes.

124. CHAIRMAN: New Zealand?

125. DELEGATE OF NEW ZEALAND: Yes.

126. CHAIRMAN: Norway?

127. DELEGATE OF NORWAY: Yes.

128. CHAIRMAN: Peru?

129. DELEGATE OF PERU: Yes.

130. CHAIRMAN: U.S.S.R.?

131. DELEGATE OF U.S.S.R.: Yes.

132. CHAIRMAN: United Kingdom?

133. DELEGATE OF U.K.: Yes.

134. CHAIRMAN: United States?

135. DELEGATE OF U.S.: Yes.

136. CHAIRMAN: Well, that matter is taken care of.

137. Let us return to a consideration of the schedule. We were on paragraph 7 at the close of yesterday's plenary session. Now that we have had the report of the Biological Committee which deals with the matters in paragraph 7, on which we had some reservations yesterday, I presume that we can go along to Article VIII.

138. Mr. Dobson?

139. MR. DOBSON (U.K.): Mr. Chairman, I don't want to take up the time of the Conference; but there is a rather important point here which I should like to ask the Drafting Committee to take care of and consider.

140. Paragraph 7 (d), if I read it aright, indicates that it will be the duty of someone, shall I say, to notify us that the limit of 16,000 blue whale units is being reached. The notifying authority will have to indicate in fairly clear terms that on a certain date whaling must stop on the assumption that, on the figures in our possession, the 16,000 blue whale units will have been reached by that date. That information will be notified by wireless, presumably, to the various factory expeditions. It may well be, however, that by that method of procedure the 16,000 blue whale units will not be reached, and we shall have been stultified to that extent. But what I should like the Drafting Committee to consider is a proposal which has been submitted by our whaling industry who, I gather, are in close concert with the other pelagic whaling industries that, when that notification is received that we are getting near a danger point, the individual whaling industries should be allowed to arrange among themselves how they will succeed in not exceeding the 16,000 blue whale units.

141. It seems to me that, if such an arrangement were provided for in the schedule, it would enable the whaling industries to approach the 16,000 blue whale units much nearer without running any risk of finding that this figure had not been reached.

142. If that could be remitted to the Drafting Committee, I would only make this one correction: I think such an arrangement would have to be made between whaling industries, before the season started, and not--as I wrongly said--when the danger point is being reached on the evidence of the weekly returns.

143. CHAIRMAN: Thank you, Mr. Dobson.

144. Mr. Flory?

145. MR. FLORY (U.S.): In response to Mr. Dobson's observation, I should say that I quite agree with him that it is purely an administrative problem. While possibly going somewhat beyond the strict scope of the Drafting

Committee, it could be taken care of by it along the lines of ascertaining whether any mechanism or machinery could be adopted for assuring that, insofar as possible, the 16,000 unit limitation could be achieved without unduly complicating the machinery of enforcement.

146. CHAIRMAN: Thank you, Mr. Flory. Mr. Thomson.

147. MR THOMSON (U.K.): For the benefit of the other delegations I might perhaps make it clear that, of course, such a private arrangement would only be possible if all the countries participating in whaling in the Antarctic were parties to it. If, even one country was not agreeable to such a private arrangement and conducted operations in the Antarctic, it would, of course, be necessary to fall back on the reports to the Commission.

148. CHAIRMAN: Thank you, Mr. Thomson. Mr. Flory.

149. MR. FLORY (U.S.): I want to make just one point clear. You are not suggesting, are you, that we eliminate the weekly reports to the Commission.

150. MR. THOMSON (U.K.): Yes, we were suggesting that if this private arrangement were come to by the countries, then the weekly reporting would be unnecessary.

151. CHAIRMAN: Thank you, Mr. Thomson. Mr. Flory.

152. MR. FLORY (U.S.): As a matter of principle the United States delegation would very strongly oppose any such arrangement.

153. MR. THOMSON (U.K.): Very well, Mr. Chairman, we will prepare to have both systems running.

154. CHAIRMAN: Thank you, Mr. Thomson.

155. Were there any other comments on this paragraph? If not, then I take it the Conference approves referring paragraph 7 to the Drafting Committee for a final wording. Mr. Flory.

156. MR. FLORY (U.S.): I move that paragraph 7 be referred to the Drafting Committee.

157. Mr. Erichsen.

158. MR. ERICHSEN (Denmark): I want to second that motion.

159. CHAIRMAN: Thank you. It has been moved and secon seconded that this paragraph be referred to the Drafting Committee. I take it there are no objections and we can go on with paragraph 8. The wording is taken from

Article 5 of the 1937 agreement except for sei and sperm whales. We had the report of the Biological Committee on the lengths of the sei and sperm whales. The wording as I recall it was this, in substance.

160. We set a minimum length of 40 feet for sei whales, except that at shore stations where the meat is used for human or animal food, a minimum length of 35 feet would be in force.

161. We set the length of sperm whales at 35 feet in all waters.

162. I might well read the Biological report. To refresh your memory the wording of IWC/30 is as follows:

163. "The Committee recommends that 35 feet be established as the minimum length for sperm whales in all waters under all conditions but that if sperm whales are being used for local consumption as human or animal food, representations may be made to the Commission in order that consideration may be given to making relaxations as to the 35-foot minimum length in that particular case.

164. "The Committee recommends that 40 feet be established as the minimum length for sei whales with provision that this limit should be reduced to 35 feet in instances where the meat of sei whales is used locally for human or animal consumption."

165. MR. THOMSON (U.K.): Mr. Chairman, there is a small point on paragraph 8. After consideration on the Drafting Committee we came to the conclusion that it would be advisable to include in paragraph 8 as subparagraph (b) the exact method of measuring whales. The wording will be settled by the Drafting Committee and will come up in the final draft when it is submitted to the Conference.

166. CHAIRMAN: Thank you, Mr. Thomson. Mr. Erichsen.

167. MR. ERICHSEN (Denmark): In the Committee on Penalties we have under consideration the inclusion of a provision regarding uniform measurements for the length of whales following line 84.

168. CHAIRMAN: Thank you, Mr. Erichsen. Mr. Dobson.

169. MR. DOBSON (U.K.): I beg to move we accept this paragraph, subject to what has been settled by the Biological Committee and subject to any further drafting by the Drafting Committee.

170. CHAIRMAN: Mr. Flory.

171. MR. FLORY (U.S.): I second the motion.

172. MR. BOGDANOV (U.S.S.R.) (Interpretation): I would like to know whether I understood correctly about the prohibition of killing sperm whales in all the waters.

173. CHAIRMAN: The prohibition is this: that you cannot kill a sperm whale less than 35 feet. Under that provision about 80 percent, I believe, of the females will be protected.

174. MR. BOGDANOV (U.S.S.R.): Thank you, Mr. Chairman.

175. CHAIRMAN: Then I take it there is no objection, since it has been moved and seconded, to refer paragraph 8 to the Drafting Committee.

176. We now come to paragraph 9 of the schedule. The wording is similar to Article VIII of the 1937 agreement, except that on line 87 the word "baleen" was deleted after "treating". But now under the report from the Biological Committee, IWC/30, "The Committee recommends that the Chilean Proposal (IWC/16) that paragraph 9 of the Schedule of the U.S. Proposals be amended on line 87 by the addition of the word 'baleen' after the word 'treating' to conform to the 1937 agreement, Article VIII, as amended by the 1938 agreement, Article VI, be adopted".

177. MR. ERICHSEN (Denmark): I want to move the approval of this paragraph with the amendment of the Chilean Representative.

178. CHAIRMAN: Thank you, Mr. Erichsen. Mr. Ruud.

179. MR. RUUD (Norway): I second that motion.

180. CHAIRMAN: Thank you. For the benefit of the U.S.S.R. Delegation, may I say that the word "baleen" was dropped and we put it back.

181. It has been moved and seconded that we refer paragraph 9 to the Drafting Committee. Unless there is any objection, we will so rule.

182. The wording of paragraph 10 is taken from Article III, section 1 of the 1938 Protocol. This Article was adopted originally, as I have said before, to prevent factory ships from wiping out whales in their migrations to and from their calving grounds. It is merely a repetition of what occurs in the 1938 agreement.

183. Mr. Edwards.

184. MR. EDWARDS (Chile): I move that paragraph 10 be accepted.

185. CHAIRMAN: Is there a second?

186. MR. ERICHSEN (Denmark): I second that motion.

187. CHAIRMAN: It has been moved and seconded that the paragraph be accepted. Are there any objections?

188. MR. ANDERSON (Australia): Yes. My only objection is that I think if you read this paragraph carefully it indicates that a factory ship could never operate for the 12 months after the 7th of March in any year. I think it should be referred to the Drafting Committee for rewording.

189. CHAIRMAN: If that is agreeable. It is a matter of wording.

190. MR. DOBSON (U.K.): Mr. Chairman, I do not quite agreewith the remarks of the last Delegate. I am supposing a factory ship does not go down to the Antarctic in any one year, then it would be free to operate elsewhere as soon as the 12 months from the season previous had expired.

191. MR. ANDERSON (Australia): Yes, but this does not say so.

192. MR. DOBSON (U.K.): Then I agree that it should go to the Drafting Committee quickly.

193. CHAIRMAN: We will refer paragraph 10 to the Drafting Committee.

194. Paragraph 11 combines the essential portions of Article VI of the Geneva Convention and Article XI of the 1937 agreement. The purpose of this paragraph is, as we have stated before, to assure reasonably full production of primary products from all whales killed.

195. Now I believe that this paragraph has been referred to the Penalties Committee, is that correct Mr. Erichsen?

196. MR. ERICHSEN (Denmark): Yes.

197. CHAIRMAN: Has there been any report on it?

198. MR. ERICHSEN (Denmark): No, we are not finished with the discussion.

199. CHAIRMAN: Then I propose we pass over paragraph 11 until we have a report from the Penalties Committee.

200. The wording of paragraph 12 is taken from Article VIII of the 1938 Protocol. If I may repeat again, whales deteriorate more rapidly prior to, than after, being cut up on the flensing deck. In a large measure the quality of oil produced from a whale is dependent upon the time elapsing between the time of killing and the processing. Thirty-three hours is deemed to be the maximum that a whale can remain in the water without deteriorating.

201. Mr. Erichsen.

202. MR. ERICHSEN (Denmark): Mr. Chairman, may I remark that this question is also being considered in the Penalties Committee, and we have not finished our discussion on that

203. CHAIRMAN: That has also been referred to the Penalties Committee. We may as well pass up paragraph 12 for the moment until the Committee comes in with a report.

204. Dr. Flory.

205. MR. FLORY (U.S.): Mr. Chairman, I move that the Conference approve the substance of paragraph 12 subject to any report that may subsequently be forthcoming from the Penalties Committee. The objective would be to go over and get approval for the entire document subject to any further committee report so that we do not have to go through and pick up any of the pieces later on.

206. MR. ERICHSEN (Denmark): I second that.

207. CHAIRMAN: Thank you, Mr. Erichsen. That being the case, unless there be objection, we will refer this paragraph to the Drafting Committee subject to further recommendations from the Penalties Committee.

208. As regards paragraph 13, the first half is taken from the first half of Article XIII of the 1937 agreement.

209. We have in paper IWC/23 the report of the Committee to consider paragraphs 13 and 14 of the schedule. The Committee recommends that the principles embodied in paragraph 13 should be maintained and that any changes in language that might be necessary to state these principles clearly should be considered by the Drafting Committee.

210. Mr. Edwards.

211. MR. EDWARDS (Chile): I move this paragraph be accepted.

212. CHAIRMAN: Is there a second?

213. Mr. Erichsen.

214. MR. ERICHSEN (Denmark): I second.

215. CHAIRMAN: It has been moved, and seconded that we refer paragraph 13 to the Drafting Committee.

216. With reference to paragraph 14 regarding notification in respect of every whale catcher, this same Committee report, IWC/23, is as follows: "The Committee recommends that paragraph 14 be omitted from the schedule. It is not considered that the type of data referred to in this paragraph is essential to the proper functioning of the Commission in carrying out its specified duties".

217. In other words, the Committee proposes that we delete entirely paragraph 14. That was accepted when we approved the Committee Report.

218. Are there any further comments on paragraph 14? If not, let us pass to paragraph 15 of the schedule. Lines 122 to 133 of paragraph 15 have, except for line 122, and a portion of line 124, the same wording as Article XVI of the 1937 agreement. Lines 134 and 135 are new, but are based on resolution 3 adopted at the final meeting of the 1945 conference. Lines 136 to 138 are essentially the same as the last part of the first paragraph of Article XVII of the 1937 agreement, and the wording of lines 139 to 145 is taken from the last paragraph of Article XVII of the 1937 agreement.

219. The intent of this paragraph is to provide for reports on vessels and shore stations engaged in whaling operations. That is the procedure we have followed in past years; nothing new about it.

220. There have been two changes, both of which relate to the use of gross tons: Line 141 will read "(a) the name and gross tonnage of each ship factory", and line 142 "(b) the number and aggregate gross tonnage of the whale catchers". These lines previously stated only "tonnage".

221. The changes are for the purpose of uniform reporting on the tonnage of the ships.

222. Were there any comments?

223. Dr. Flory.

224. MR. FLORY (U.S.): Mr. Chairman, I move that the Conference approve the substance of paragraph 15 and refer it to the Drafting Committee.

225. CHAIRMAN: Mr. Rodd.

226. MR. RODD (Canada): I second Mr. Flory's motion.

227. CHAIRMAN: It has been moved and seconded that paragraph 15 be referred to the Drafting Committee. Are there any objections? I take it there are no objections and we can proceed with consideration of paragraph 16.

228. As a brief review, the wording of the definitions under paragraph 16, except for lines 150 to 152, 157 to 159, 171 to 175, and 197 to 199 in part, are taken from Article XVIII of the 1937 agreement. The additional wording of the definition of a factory ship that appears on lines 150 to 152 brings this definition in harmony with section 3 of Article VI of the 1945 protocol. However, we have the proposal of the French Delegation to refer this matter to a special committee for consideration of substance and preparation of a definition. Thus, there are two items in this paragraph that will be subject to a committee report, that is, the definition of a factory ship, lines 148 to 152, and the definition of a land station on lines 156 to 161. We must await the report.

229. Mr. Edwards.

230. MR. EDWARDS (Chile): I move that paragraph 16 be accepted subject to the resolutions of the ad hoc committee.

231 CHAIRMAN: Thank you, Mr. Edwards.

232. Mr. Erichsen.

233. MR. ERICHSEN (Denmark): I second that.

234. CHAIRMAN: Thank you, Mr. Erichsen. It has been moved and seconded that paragraph 16 dealing with definitions be referred to the Drafting Committee, subject to such changes as that Committee may recommend.

235. The whole question of the Commission, which includes its relationship with other agencies, as is mentioned in the Annex, has been referred to the Committee on Establishment of a Whaling Commission. There is no need of discussing this matter further now.

236. Are there further matters to come before the Conference at this session?

237. Mr. Hawthorne.

238. MR. HAWTHORNE (New Zealand): This probably is a very small point, but I wonder if it is not true that Dr. Flory's comments on paragraph 12 are not equally applicable to paragraph 11, which I know was passed over and not accepted.

239. MR. FLORY (U.S.): I understand that paragraph 11 in its entirety will be reported out with a full rewording. That is the reason that we didn't suggest that the substance of Article XI be adopted. I believe that is correct. Is that right?

240. MR. ERICHSEN (Denmark): Yes.

241. MR. HAWTHORNE (New Zealand): Thank you.

242. CHAIRMAN: Thank you, Mr. Hawthorne.

243. Now that we have taken care of the various articles under the convention and the paragraphs under the schedule, let us adjourn until the plenary session tomorrow morning at 10 a.m. In the meantime, the committees that have been set up to consider these various sections, articles, and paragraphs can consider the matters that have been referred to them and bring in a report for our consideration at the next meeting. I would like to request that all the committees, if they can find their way to do so, please make a report tomorrow morning so we can get along with the work.

244. We are now adjourned.

245. (The meeting adjourned at 11:52 a.m.)

DONALD J. CHANEY
Technical Secretary

-END-

RESTRICTED
IWC/44
November 27, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE NINTH SESSION

TIME : Wednesday, November 27, 1946, 11:05 a.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order. I note that the French Delegation has a new member, and if Mr. Claudel will please rise so the Conference will recognize him. Thank you, Mr. Claudel.

2. The next matter is the committee reports. The first report is that of the Committee on Factory Ships Within Territorial Waters, IWC/41.

3. MR. CHANEY (Technical Secretary): The Committee on the French proposal met at 3:30 p.m., November 26, 1946, in room 1122. Mr. Dobson (U.K.) was elected Chairman. There were present Mr. Anderson (Australia), Mr. Anziani (France), Mr. Bogdanov (U.S.S.R.), Mr. Budker (France), Dr. Deason (U.S.) Mr. Edwards (Chile), Mr. Erichsen (Denmark), Mr. Le Gall (France), Dr. Mackintosh (U.K.), Admiral Rotalde (Peru), Mr. Ruud (Norway), and Mr. Tverianovich (U.S.S.R.).

4. The Committee appointed by the Conference to consider the French proposal with regard to land stations recommends as follows:

5. The following paragraphs should be substituted for lines 156 to 161, page 24, both inclusive of the American Draft Convention:

6. "Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a contracting government the movements of which are confined solely to its territorial waters shall be subject to the regulations governing the operation of land stations within the following areas, namely:

7. (1) On the coast of Madagascar and its dependencies, and the Western coasts of French Africa;

8. (2) On the West coast of Australia the area known as Shark Bay and northward to Northwest Cape and including

(6 pages)

Exmouth Gulf and King George's Sound, including the port of Albany; and on the East coast of Australia, the waters of Twofold Bay and Jervis Bay."

9. In making this recommendation the Committee understands that the French and Australian Delegations are well aware that these operations must be conducted on an economic basis.

10. CHAIRMAN: Thank you, Mr. Chaney. You have the report of the Committee on Factory Ships Within Territorial Waters. Do I have a motion for the Conference to accept the Committee report? Mr. Dobson.

11. MR. DOBSON (U.K.): Mr. Chairman, I should just like to explain one thing about this report. Assuming that the report does carry out what the French Delegation put forward, I myself was somewhat handicapped quite unavoidably, I think, because when the Committee met we were dealing with matters which had been discussed at the previous plenary session in the morning and, of course, we hadn't had time to have a shorthand note on the subject. I want to make it clear, therefore, that here in our recommendation we shall refer to lines 156 to 161 of the existing American draft, and then in our definite recommendation we refer to Article II. If you will look at Article II you will see that Article II has nothing whatever to do with this matter, but that Article II is what we were informed was the new Article II which has been passed by the Drafting Committee.

12. I thought I better make that clear, otherwise it would cause some confusion. This recommendation assumes that the Drafting Committee is putting in certain definitions in the body of the agreement in the new Article II.

13. One other point, Mr. Chairman, and that is, if I may say so, the Committee was purposely rather cryptic in the last three lines, but we put in words to that effect because we did consider the question of limiting the number of these factory ships that should operate in this way and that was felt to be impossible, but the British Delegation raised the question that we didn't want to have rows of these ships working up and down territorial waters, so we put those words in so that they would be appropriately recorded in the Final Act.

14. The French Delegation made it clear, of course, they couldn't have such ships, as it would be quite impossible to work them. But we did have in mind on the Committee the idea of some sort of limitation. With that, Mr. Chairman, if the French have no objection, I should like to move the adoption of this report.

15. CHAIRMAN: Thank you, Mr. Dobson.

16. DELEGATE OF FRANCE: No objection.

17. CHAIRMAN: No objection from France. Is there a second to this motion?

18. MR. GABRIELSON (U.S.): I second it.

19. CHAIRMAN: Thank you, Mr. Gabrielson. It has been moved and seconded that the Conference adopt the report of the Committee on Factory Ships Within Territorial Waters. Are there any objections, or are there any further discussions? I take it there are no objections and we will consider this report as adopted by the Conference.

20. With the exception of the Drafting Committee and the Committee on the Establishment of a Whaling Commission, can we have a statement from the Chairman of each of the other committees as to whether or not they have completed all the work assigned to them? The Biological Committee? Mr. Mackintosh.

21. MR. MACKINTOSH (U.K.): Mr. Chairman, I think we completed the work of the Biological Committee, but in the report IWC/36 there is one small point. I don't know whether it is too late to propose a slight alteration of the wording.

22. CHAIRMAN: Certainly not. Please go ahead and make the proposal.

23. MR. MACKINTOSH (U.K.): In the fourth paragraph the words in parentheses "and summer of 1949 season", Mr. Budker pointed out to me that we raised the point that summer is a rather vague word according to which hemisphere you are talking about.

24. CHAIRMAN: Yes.

25. MR. MACKINTOSH (U.K.): I think it would be better to say "and southern winter season of 1949."

26. CHAIRMAN: Thank you, that would clarify it.

27. MR. MACKINTOSH (U.K.): I think that makes it quite clear.

28. CHAIRMAN: Is there any objection to making this minor change in wording with respect to what we called the southern summer and which is actually the southern winter.

29. The Committee on Penalties and Forfeitures. Mr. Erichsen, I know, is out of the room. I understand the Committee work has been completed. We have had the report from the Committee on Factory Ships Within Territorial Waters. The Committee on Remuneration of Gunners. Mr. Van Dijk?

30. MR. VAN DIJK (Netherlands): The Committee has fully completed its work.

31. CHAIRMAN: Thank you. And the Committee on the Use of Scientific Names? I understand that the paper of reference which will be included in the Final Act has now been completed. Is that correct, Mr. Le Gall?

32. MR. LE GALL (France): Yes, Mr. Chairman.

33. CHAIRMAN: The Committee on Penalties I am informed will bring in a report shortly at this session.

34. Each delegation is requested to hand to the Technical Secretary drafts of all proposals it wishes to have included in the Final Act. These drafts must reach the Technical Secretary by 6 p.m. this evening. This will insure that no matter of importance will be omitted from the Final Act because of the indefinite reference in the proceedings of this Conference.

35. The Credentials Committee again has called my attention to the fact that some of the delegations have not as yet deposited their full powers. It is suggested as an alternative that those delegates who have not received full powers may request cabled authority to sign. Please arrange to have cabled authority here by Friday or Saturday.

36. It is suggested that the Drafting Committee meet immediately after the plenary session and continue with their work this afternoon, if it is agreeable.

37. Unscheduled committee meetings will be held in the afternoon for completion of odds and ends.

38. Again I would like to call your attention to the fact that the Norwegian Delegation will be hosts to the officers of this Conference at a reception at the Norwegian Embassy at 3401 Massachusetts Avenue, N. W. at 6 p.m. today.

39. Let us recess briefly until the Penalties Committee arrives with its report. That seems to be the last matter of business that we have uncompleted. They assure me that they are now working on it.

40. Recess was taken at 11:18 a.m.

41. (The session reconvened at 12:12 p.m.)

42. CHAIRMAN: Will the Conference please come to order.

43. I have been informed that the report of the Penalties Committee has been completed but has not as yet been typed or duplicated for the use of the Conference. I therefore propose that after one or two more announcements we adjourn now and meet again at 4:30 p.m. to consider such committee reports as may be ready at that time.

44. The Committee on the Establishment of a Whaling Commission will meet at 2 p.m., and the Committee on Drafting

will also meet at 2 p.m. We hope that they may have some of their material cleared up for consideration by this Conference at 4:30.

45. I now move that the Conference be adjourned.

46. Just a moment.

47. MR. DOBSON (U.K.): Mr. Chairman, may I raise one point? I drew the Conference's attention at an earlier stage to certain views which had been expressed by the U. S. Delegates at the 1945 conference with regard to the transfer of ships and other material to parties who were not contracting parties of the Agreement. I informed the Conference then that I could not put anything forward, but that I was taking the instructions of the British Government.

48. I have now received those instructions. In view of the pressure of work, it would greatly help me in giving effect to those instructions if I could just have a very few words from you, Mr. Chairman, or from Dr. Flory as to the view of the American Government of including anything on this subject in the Convention as opposed to the Final Act.

49. I hope I made myself clear; if you can just say a word on that, then I think we could put something forward which would not be embarrassing, probably, as there is a vast difference between the Convention and the Final Act.

50. CHAIRMAN: Thank you, Mr. Dobson.

51. Dr. Flory.

52. MR. FLORY (U.S.): The Government of the United States is not prepared to include anything in the Convention proper concerning the embargo of whaling vessels and equipment to governments not a party to this present Agreement.

53. I think the reason for that position has been stated before, namely, that it is not felt appropriate in a long-range agreement to include that kind of economic sanction in a strictly conservation measure. It is believed that the strict economic aspects relating to whaling should properly be dealt with elsewhere, and that the instrument that we have prepared now is not the appropriate document for any definitive obligations, so far as the embargo of such vessels or equipment is concerned.

54. CHAIRMAN: Thank you, Mr. Flory.

55. Mr. Dobson.

56. MR. DOBSON (U.K.): Thank you for that explanation. We will now take our counsel accordingly, and you will hear from us again in a manner which I hope will not embarrass anyone.

57. CHAIRMAN: Thank you, Mr. Dobson.

58. Dr. Van Dijk.

59. MR. VAN DIJK (Netherlands): I just heard from you that the meeting of the Drafting Committee and of Committee on the Commission will both meet at 2 o'clock. I think there is a certain overlapping in the membership of those committees. Would it be possible that another hour could be fixed for one of those Committees?

60. CHAIRMAN: It seems to me a simpler arrangement would be for the Chairman of those two Committees to consult with you at the close of this session and arrange a mutual agreeable hour, or such other arrangements as you may care to make.

61. Would it be agreeable for the Committee on the Establishment of a Whaling Commission to meet at 1:30?

62. MR. DOBSON (U.K.): I am agreeable.

63. CHAIRMAN: Thank you, Mr. Dobson. Then we will set that Committee to meet at 1:30, and, unless there are other comments, the session is now adjourned.

64. (The session adjourned at 12:14 p.m.)

DONALD J. CHANEY
Technical Secretary

- END -

RESTRICTED
IWC/47

November 27, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE TENTH SESSION

TIME: Wednesday, November 27, 1946, 4:55 p.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order.

2. We have the reports of two committees for the consideration of the Conference. We have been promised that the duplicated copies of these reports will be available shortly. We thought that we should not delay the delegations, who wished to attend a social engagement this evening, and so we have decided to have the Technical Secretary read from the carbon copies of these reports; the reports themselves will be circulated as soon as they come from the duplicating room.

3. The first report is that of the Committee on Penalties, Article VI-3 (b). Mr. Chaney.

4. MR. CHANEY (Technical Secretary): "The Committee on Penalties was appointed to consider the proposals regarding Article VI-3 (b) in the American Draft. Its jurisdiction was extended to include:

(a) The value of whales taken under permit for scientific purposes.

(b) The treatment or otherwise of lean back meat and the use of whales as fenders.

(c) The penalty for taking milk-filled or lactating whales.

(d) The method of measuring whales.

(e) The reporting of the time of killing of whales by whale catchers.

(f) The arrangements for the distribution of copies of the laws and regulations governing the taking, killing, and treatment of whales in different countries.

(17 pages)

The Committee met on several occasions under the Chairmanship of Mr. P. F. Erichsen (Denmark). The other members present were Mr. H. S. Drost and G. G. H. von Felde (Netherlands), Mr. Hans Knudtzon (Norway), Mr. Thomson (United Kingdom), Mr. Bogdanov and Mr. Tverianovich (U.S.S.R.), and Dr. Gabrielson, Mr. Flory, and Captain Moore (U.S.).

The following recommendations were adopted:

1. Article VI - 3(b) The adoption of the following article in substitution for Article VI - 3(b) of the American Draft:

   'Each contracting government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by the inspector of whaling on the factory ship or land station concerned. This information shall include a statement of the result of any measures taken for dealing with the infraction.'

2. The insertion in the Final Act of the following paragraphs:

   'The Conference recognizes the desirability of achieving a large measure of uniformity among the various Contracting Governments with respect to the nature and severity of penalties imposed, for contraventions of this Convention, upon persons or ships operating under their jurisdiction. It recognizes that even under the most favorable management and with the most conscientious and experienced gunners and crews, it is inevitable that some illegal whales will be taken and that a certain latitude should be allowed in assessing penalties for such unavoidable taking. It may be that legal and administrative differences among the Contracting Governments will prevent the adoption of a uniform system of penalties, but it is the view of the Conference that it is desirable that the Governments should provide for the imposition of penalties sufficiently severe to discourage the killing or taking of illegal whales.

   The Conference accordingly recommends that the Commission should study the reports made to them regarding infractions, with a view to making recommendations to Governments as provided for in Article V for the purpose of achieving the greatest possible uniformity in the penalties imposed for contravention of this Convention.'

3. That any whales taken under the permits referred to in Article VIII should so far as practicable be processed and the proceeds should be dealt with in accordance with directions issued by the government by which the permit was issued.

4. The substitution of the following paragraphs for paragraph 11 of the American Draft:

'Schedule - Paragraph 11

All whales taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone, and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

Complete treatment of the carcasses of Dauhval and of whales used as fenders will not be required in cases where the meat of bone of such whales is in bad condition.'

The following definition of Dauhval is recommended for inclusion in the definitions:

'Dauhval means any unclaimed dead whale found floating.'

The Committee also recommends the insertion in paragraph 12 of the American Draft of the words 'except of a whale used as a fender' after the word 'carcase' in line 108. The question whether it was necessary also to provide in this paragraph for an exception of Dauhval is recommended for the attention of the Drafting Committee.

5. The inclusion in the Convention of a prohibition on the lines of the Resolution passed at the Whaling conference of 1939 extending to milk-filled and lactating whales the prohibition of payment of bonus or other remunerations to the gunners and crews of whale catchers in respect of the taking of such whales.

6. The substitution of the following paragraphs for paragraph 8 of the American Draft:

'It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths, viz.:

(a)	Blue whales	70 feet
(b)	Fin whales	55 feet
(c)	Sei whales	40 feet
(d)	Humpback whales	35 feet
(e)	Sperm whales	35 feet

Except that blue whales of not less than 65 feet, fin whales of not less than 50 feet, and sei whales of not less than 35 feet in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.

Whales should be measured as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale, the tape measure to be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, to be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, to be logged to the nearest foot; that is to say, any whale between 75'6" and 76'6" to be logged as 76', and any whale between 76'6" and 77'6" to be logged as 77'. The measurement of any whale which apparently falls on an exact half foot to be logged at the next half foot, e.g., 76'6" precisely, to be logged as 77'.'

7. The addition of the following paragraph to paragraph 12 of the American Draft:

'All whale catchers engaged in taking whales must report by radio to the factory ship the time when each whale is caught.'

8. The inclusion of the following as a new paragraph 14:

'Copies of all official laws, regulations and instructions relating to whales and whaling and changes in such laws, regulations and instructions shall be transmitted to the Commission.'

9. The inclusion in the Final Act of the substance of the following statement:

'The U.S.S.R. Delegation stated that their country's General Fishing Laws provide for five percent deviation from legal size. In view of this provision, it is recommended that the penalties for taking undersized whales should take this into account and this should be set forth in the Final Act.'

10. The inclusion in the Final Act of a statement concerning the exclusion from the application of the Convention of whales taken by natives in the Arctic Ocean for local consumption.

The other members of this Conference were of the opinion that this point was already covered by the draft paragraph for the Final Act put forward by the British and Norwegian Delegations which provides for a certain latitude to be allowed in assessing penalties for the unavoidable taking of undersized whales."

5. CHAIRMAN: Thank you, Mr. Chaney. We now have the report of this Committee. Is there any discussion?

6. If there is no discussion, can I have a motion to accept the report?

7. Dr. Gabrielson?

8. MR. GABRIELSON (U.S.): I move the adoption of the report.

9. CHAIRMAN: Is there a second?

10. Mr. Anderson.

11. MR. ANDERSON (Australia): I second it.

12. CHAIRMAN: Thank you, Mr. Anderson. Is there any further discussion?

13. MR. KNUDTZON (Norway): I only want to mention that so far as I remember the U.S.S.R. delegate at the meeting of the Penalty Committee today declared himself willing to have the statement about the 5 percent latitude be omitted. I am afraid that the statement would not contribute to a more effective enforcement of the different provisions, but would instead have the contrary effect.

14. CHAIRMAN: Thank you, Mr. Knudtzon. Then, I understand that it is your proposal that the statement of the U.S.S.R. Delegation not be included in the Final Act?

15. I will now poll the delegations as regards the acceptance of the Committee report in its present form:

16. Argentina?

17. DELEGATE OF ARGENTINA: Yes.

18. CHAIRMAN: Australia?

19. DELEGATE OF AUSTRALIA: Yes.

20. CHAIRMAN: Canada?

21. DELEGATE OF CANADA: Yes.

22. CHAIRMAN: Denmark?

23. DELEGATE OF DENMARK: Yes.

24. CHAIRMAN: France?

25. DELEGATE OF FRANCE: Yes.

26. CHAIRMAN: Netherlands?

27. DELEGATE OF NETHERLANDS: Yes.

28. CHAIRMAN: New Zealand?

29. DELEGATE OF NEW ZEALAND: Yes.

30. CHAIRMAN: Norway?

31. DELEGATE OF NORWAY: Yes.

32. CHAIRMAN: Peru?

33. DELEGATE OF PERU: Yes.

34. CHAIRMAN: United Kingdom?

35. CHAIRMAN: Delegate of U.K.: Yes.

36. CHAIRMAN: U.S.S.R.?

37. DELEGATE OF U.S.S.R.: Yes.

38. CHAIRMAN: United States?

39. DELEGATE OF U.S.: Yes.

40. CHAIRMAN: Approval of the report is unanimous.

41. Before we go on to the next report I think the Conference should express its pleasure at the way Mr. Erichsen, as Chairman of the Committee, has handled this very difficult subject.

42. The Technical Secretary will read the report of the Committee on the Establishment of a Whaling Commission.

43. MR. CHANEY (Technical Secretary): "The Committee on the Establishment of a Whaling Commission met at 2:30 and 9:30 p.m. on November 25, 1946 and again at 2 p.m. on November 26, 1946 to consider the appropriate articles of the draft convention, Articles II and following.

The Committee met under the Chairmanship of Mr. Dobson, U.K.; other members present were Mr. Anderson (Australia), Mr. Scott and Mr. Rodd (Canada), Mr. Erichsen (Denmark), Mr. Anziani and Mr. Le Gall (France), Mr. Van Dijk (Netherlands), Mr. Powles (New Zealand), Mr. Lykke and Mr. Haugen (Norway), Mr. Bogdanov, Mr. Tverianovich, and Mr. Nikishin (U.S.S.R.), Mr. Geolot (U.K.), Mr. Flory and Mr. Hayes (U.S.).

The Committee recommends as follows, subject to the Drafting Committee considering the precise wording:

Article II, paragraph (1). At the end insert 'and may be accompanied by one or more experts'.

Paragraph (2) in line 63 substitute: 'The Commission shall from its own members elect a chairman and vice chairman.'

At the beginning of line 66 insert 'of those voting'. In line 66, again, for '2/3' read '3/4'. In line 66 after 'majority of' omit 'all the Commissioners' and insert 'those voting'.

At the end of line 68, add: 'The Rules of Procedure may provide for decisions being taken other than at meetings of the Commission.' After line 68 insert another paragraph reading: 'The Commission may appoint its own Secretary and Staff.'

Omit paragraph (3), line 69, and insert 'The Commission may set up, from among its own members and experts or advisers, such committees as it thinks desirable to perform such functions as it may authorize.'.

Paragraph (4), at end of line 73 insert 'and its experts and advisers'.

Omit paragraph (5), beginning line 75, and insert the following: 'Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the contracting governments will consult among themselves within two years after the coming into force of this convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.'

Omit paragraph (6), beginning line 88, and insert the following: 'In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall

arrange, in consultation with the other contracting governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph (5) above.

Paragraph (7), after line 91: 'Subsequent meetings of the Commission shall be convened as the Commission may determine.'

Article III, beginning with line 92, omit and insert the following:

(1) The Commission may either in collaboration with, or through, independent agencies of the contracting governments or other public or private agencies, establishments, or organizations, or independently

(a) encourage, recommend, or if necessary, organize studies and investigations relating to whales and whaling;

(b) collect and analyze statistical information to reveal the current condition and trend of the whale stocks and the effects of whaling activities thereon;

(c) study, appraise and disseminate information concerning methods of maintaining and increasing the populations of whales.

(2) The Commission shall arrange for the publication of reports of its activities, and it may publish, independently or in collaboration with the International Bureau of Whaling Statistics and other organizations and agencies, such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.'

Article IV, Paragraph (1), line 122, after 'whaling' insert the words in the following sense: including the maximum catch of whales to be taken in any one season.

Paragraph (2). No observations.

Paragraph (3), line 140, after 'notification' insert 'of the amendment', after 'Commission' insert 'to each of the Contracting Governments' followed by words in the following sense: which notification shall be acknowledged by each of the Contracting Governments.

Paragraph (4), line 155, for '1948' read '1949'.

The British Delegation opposed the provisions of subparagraph (c), under which an objecting country will not be bound by a decision of the Commission. The British Delegation's point was supported by three of the delegations, but there were six in opposition and the British representative

reserved the right to raise this matter at the next plenary session."

44. CHAIRMAN: Thank you, Mr. Chaney. Mr. Dobson.

45. MR. DOBSON (U.K.): Mr. Chairman, you have heard the report of this Committee and I take it that it is the proper thing for the Chairman of the Committee to move the adoption of the report. In the last paragraph, however, I took the opportunity of telling the Committee exactly how I stood and I gather that there is no objection under the Rules of Procedure for me, not as the Chairman of the Committee but as the British Delegate, to make certain observations because I think it is most important that the Conference as a whole should be fully acquainted with what the British Delegation think are defects in the structure of this particular article dealing with the action of the Commission.

46. Now, as the Conference will be aware, the British Delegation is entirely in favor of the setting up of a Commission and indeed they have informally suggested such a procedure at the last two whaling conferences. It may be, therefore, that those informal suggestions have been the cue which the U.S. Department of State has adopted in producing these particular articles in the present draft convention. But I confess when I came to read the articles it seems to me that there is a considerable conflict and that the setting up of the Commission has received a considerable setback. In the first place by another resolution the effective work of the Commission, in our view, has been seriously affected by the necessity for requiring a three-fourths majority. But that is not nearly so serious as the further point that if the Commission decides to alter any item in the schedule, after giving notice of the decision which they have arrived at, a period of time is allowed for any country to express its objection.

47. But the article does not stop there. It enables any objecting country, in fact, if it is unable to withdraw its objection, to contract out of the agreement, out of the convention, in other words, and, in fact, to take the attitude that they are not affected by the decision of the Committee.

48. Well, now, Mr. Chairman, it seems to me that that has very much detracted from the efficiency of the Commission. The whole object of this Commission was that there might be a speedy and effective procedure enabling necessary action to be taken for the conservation of whaling, and it seems to me that if after requiring the Commission to have a three-fourths majority you are going to allow any country to object and, therefore, to be outside the scope of the Commission's recommendation, we have got a less effective procedure than we had before.

49. But there is another secondary point which is revealed by the drafting of the article as it now stands; it means, as I see it, that if a small country who is not very much interested in whaling were to take the opportunity

of objecting within the first 90 days and other countries were to not like this objection they, too, could also object in the following 90 days.

50. That is one of the answers that has been given to me, but I would point out that if a small country that is not interested in whaling objects, the other countries may not think it worthwhile to object because of the insufficient interest in that country in whaling, but if at the one hundred seventy-eighth day a very important country decides to object, then a very difficult position is reached because the other countries have not got time to object and therefore they are all penalized at the expense of the two countries which have objected, one in the first 90 days and the second right at the end of the second 90 days.

51. Well, now, Mr. Chairman, I think I have made my point quite clear and I am entirely in your hands on that matter. I confess that the clause relating to the setting up of this Commission as now drafted is disappointing to us and I am only making these remarks, you will understand, because I have had very clear instructions from my Government.

52. I am not prepared, unless you rule, to move an amendment; I do, however, have an amendment I could move. This may not be the appropriate time, but I hope, Mr. Chairman, that I have not erred against the concurrence of this Conference and that you will at least allow this matter to be very briefly discussed now and if you will then rule that I should move an amendment I would not wish to do so until we have the draft convention in its final form. But I am in your hands on the matter, Mr. Chairman.

53. CHAIRMAN: Thank you, Mr. Dobson, for your explanation of the United Kingdom's position. Are there any other comments? Mr. Lykke.

54. MR. LYKKE (Norway): The Norwegian Delegation is in full agreement with the British point of view, Mr. Chairman. We think that if we set up a Commission in order to insure a continuous supervision and development of conservation of the whale stock, this Commission should have the power to take binding action for conservation.

55. When we agreed upon a majority of three-fourths in order to make any changes in the Schedule we thought, and still think, that this demand should safeguard any country against changes which are not thoroughly justified.

56. I would also mention that we agreed to the point made by Mr. Dobson with regard to the opportunity for governments to veto, as it is stated in the draft.

57. CHAIRMAN: Thank you, Mr. Lykke.

58. Are there other further observations?

59. Mr. Anziani.

60. MR. ANZIANI (France) (Interpretation): Article II and Article IV do not deal with the same problems.

61. Article II fixes the procedure followed by the Commission so that the proposals which are submitted to it may be taken into consideration. The majority of three fourths of the voting members is necessary. This, as the French Delegation understands it, has been done to protect the Commission from any surprise and as well as to avoid too frequent modifications in the Schedule.

62. Article IV fixes the powers of the Commission with regard to the items mentioned in the Schedule, and of which it may from time to time request modifications in the light of the objective to be attained--to wit, conservation and utilization of whale resources--but in order to attain this objective a certain procedure must be followed which would permit the member countries to safeguard their legitimate interests.

63. There is, in consequence, a difference of an essential nature between these two Articles. The first one fixes the rules to be followed to obtain a decision; the second one fixes the rule to be followed in order to obtain the execution of that decision. These two Articles complement, but do not oppose, one another.

64. The French Delegation arrived in Washington without knowing the agenda of the Conference. We are being called to solve important problems. The texts that have been submitted to us we have accepted, sometimes with amendments but without changing the important sense of those texts. Our line of conduct remains the same in these circumstances and we request the adoption of Article IV as it is presented by the Delegation of the United States.

65. CHAIRMAN: Thank you, Mr. Anziani.

66. Dr. Van Dijk.

67. MR. VAN DIJK (Netherlands): Mr. Chairman, we are quite of the same opinion as the French Delegation has just pointed out. The Netherlands Delegation is also of the opinion that the three-fourths majority in the Commission applies only to a certain rule of procedure in the work of the Commission but in Article IV especially the authority of each contracting Government is concerned and that is why we emphasize that this Article should be handled as broadly as possible in order that the authority of each Government shall not be affected by one or another of the decisions of the Commission.

68. CHAIRMAN: Thank you, Dr. Van Dijk.

69. Are there any further observations?

70. Mr. Dobson.

71. MR. DOBSON (U.K.): Mr. Chairman, I am perfectly prepared, of course, to abide by the decisions of the Conference and my only object in raising this was because of my instructions and because I wanted to be abundantly clear that the Conference knew what they were doing in accepting this Article IV as drafted. I think, however, without adding to the discussion, I might just put before the Conference the actual amendment, which was very short and which would give effect to the views of the British Delegation. If you will turn to page 8 of the American Draft and look at line 141 you will then read "(a) if any Government presents to the Commission objection to any amendment prior to the expiration of this 90-day period..."--and I propose to cut out the whole of the rest of that and add these words: "such amendment shall not become effective until confirmed by the Commission at a special meeting at which any objecting government may have full opportunity to present its objection. Should the amendment be confirmed, it shall be binding on all the contracting governments."

72. CHAIRMAN: Thank you, Mr. Dobson.

73. Is there any discussion of that amendment?

74. MR. VOSS (Norway): Mr. Chairman.

75. CHAIRMAN: Mr. Voss.

76. MR. VOSS (Norway): The Norwegian Delegation wishes to support Mr. Dobson's proposal.

77. CHAIRMAN: Thank you, Mr. Voss.

78. Mr. Anziani.

79. MR. ANZIANI (France) (Interpretation): I would appreciate receiving a translation of that motion, or at least a copy of it.

80. CHAIRMAN: That will be done.

81. Mr. Erichsen.

82. MR. ERICHSEN (Denmark): Mr. Chairman, may I ask you one question? Who is going to pay the salary of the secretary and the other expenses in relation to the Commission? I don't see that anything is said in those clauses we have there.

83. CHAIRMAN: Mr. Dobson.

84. MR. DOBSON (U.K.): Mr. Chairman, that matter was discussed, I am afraid, when Mr. Erichsen was not present. The British Government have assumed, under the Draft Convention as amended by this Committee's Report, if it is accepted, the obligation of the first meeting. I think I may say without any acrimony that we were denied the right to call any subsequent meetings, so I can't say who is going to pay afterwards.

85. MR. ERICHSEN (Denmark): Thank you.

86. CHAIRMAN: Thank you, Mr. Dobson.

87. Dr. Van Dijk.

88. MR. VAN DIJK (Netherlands): Mr. Chairman, may I propose that the objection of the British Delegation should be met insofar that we only insert a certain provision in order that it can be avoided that one or another country would hand its objections just before the finish of the period of 180 days, but, nevertheless, Mr. Chairman, we strongly oppose the omitting of paragraph (c).

89. CHAIRMAN: Thank you, Dr. Van Dijk.

90. Mr. Anziani.

91. MR. ANZIANI (France) (Interpretation): Mr. Chairman, I agree with the Delegate from the Netherlands that in order to avoid heavy loss in materials paragraph (c) should be maintained in its present form.

92. Let us take the case where France would be obliged to spend quite an amount of money in order to equip land stations. The Commission then decides to suppress the activities of land stations. We have only one alternative, either to lose our material and to leave it without being used, or to withdraw from the Conference, which is not in our intention.

93. Paragraph (c), on the other hand, permits us to maintain our rights.

94. CHAIRMAN: Thank you, Mr. Anziani.

95. Dr. Flory.

96. MR. FLORY (U.S.): I am quite sympathetic with the British proposal that the amendment as proposed by the British Delegate would provide a much more satisfactory and smoother, and, possibly, a more effective administration. However, as has been pointed out by others, it raises the exceedingly difficult question of sovereignty--national jurisdiction.

97. I believe--and the members of this Conference and of previous whaling conferences have so operated--that there should be no serious difficulty in maintaining the principles of national sovereignty, as they are in the American Draft and, at the same time, an effective working commission with uniform regulations applicable throughout. This provision was included in the draft as a protection, as an escape valve whereby an amendment to the regulations or a change in the regulations would not necessarily force any government to withdraw from the entire agreement. It is possible under this provision for any government to observe the regulations as now contained in the Schedule without any question of withdrawal.

98. In other words, if a government should object to an amendment, then under the terms of the same proposal that objecting government would be bound by the provisions as now set forth in the schedule. It would not mean that by objecting, for example, to an amendment relating to land stations a government would be bound by no regulations concerning land stations. Rather, they would be bound by the regulations now contained in the Schedule.

99. In preparing this draft, the American Delegation looked back to the denunciation clause of the 1937 Agreement, which is very similar to the American Proposals herein objected to by U.K. The terms of the 1937 denunciation clause are: "...it shall remain in force until the contracting Governments agree to modify it, provided that any contracting Governments may, at any time after the 30th day of June 1938, by giving notice on or before the 1st day of January in any year to the Government of the United Kingdom, withdraw from the Agreement, so that it shall cease to be in force in respect of that Government after the 30th day of June following,"--and this is the important part--"and that any other contracting Government may, by giving notice in the like manner within one month of the receipt of such communication, withdraw also from the Agreement so that it shall cease to be in force respecting it after the same date." The intention, therefore, was that if the Commission should make an amendment to the regulations contained in the Schedule, and during the first ninety-day period any government found those amendments objectionable, there would be opportunity for all of the other governments to consult and decide whether they--that is, the non-objecting government--should be bound by the amendment despite the fact that one government had declared itself not bound by that change. I believe those are the only observations that I have at this point.

100. CHAIRMAN: Thank you, Dr. Flory.

101. MR. DOBSON (U.K.): Mr. Chairman.

102. CHAIRMAN: Mr. Dobson.

103. MR. DOBSON (U.K.): I am much obliged to Dr. Flory for his very lucid explanation. I am also grateful to my Norwegian colleagues for supporting me in this matter. But there is a very simple answer which our Members of Parliament sometimes give: that no useful purpose would be served. And I think that those words might be now used, that no useful purpose would be served by discussing this matter further, as I have been studying the Rules of Procedure, and I, therefore, beg to move the adoption of the report of the Committee on the Establishment of the Commission.

104. CHAIRMAN: Thank you, Mr. Dobson.

105. Is there a second to that motion?

106. Mr. Anderson.

107. MR. ANDERSON (Australia): I second.

108. CHAIRMAN: Thank you, Mr. Anderson.

109. Is there any further discussion before I poll the delegations?

110. Argentina?

111. DELEGATE OF ARGENTINA: Approved.

112. CHAIRMAN: Australia?

113. DELEGATE OF AUSTRALIA: Yes.

114. CHAIRMAN: Canada?

115. DELEGATE OF CANADA: Yes.

116. CHAIRMAN: Denmark?

117. DELEGATE OF DENMARK: Yes.

118. CHAIRMAN: France?

119. DELEGATE OF FRANCE: Yes.

120. CHAIRMAN: Netherlands?

121. DELEGATE OF NETHERLANDS: Does that mean, Mr. Chairman, that paragraph (c) is left in?

122. CHAIRMAN: Yes, Dr. Van Dijk.

123. DELEGATE OF NETHERLANDS: Yes.

124. CHAIRMAN: New Zealand?

125. DELEGATE OF NEW ZEALAND: Yes.

126. CHAIRMAN: Norway?

127. DELEGATE OF NORWAY: Yes.

128. CHAIRMAN: Peru?

129. DELEGATE OF PERU: Yes.

130. CHAIRMAN: United Kingdom?

131. DELEGATE OF U.K.: Yes.

132. CHAIRMAN: U.S.S.R.?

133. DELEGATE OF U.S.S.R.: Yes.

134. CHAIRMAN: U.S.?

135. DELEGATE OF U.S.: Yes.

136. CHAIRMAN: It seems to be unanimous.

137. We have two announcements. I have been informed that the Drafting Committee will meet at 8:30 tonight and again tomorrow. Mr. Thomson.

138. MR. THOMSON (U.K.): Mr. Chairman, 8:30 will not give us much time to have a meal. Could we say 9 o'clock?

139. CHAIRMAN: It is agreeable to me. And what time tomorrow night do you want to meet?

140. MR THOMSON (U.K.): Any time after 8 o'clock.

141. CHAIRMAN: Well, you can arrange that among yourselves, can you not?

142. Mr. Anziani.

143. MR. ANZIANI (France) (Interpretation): The French Delegation regrets to be compelled to leave the Conference before the signature of the Convention. At the time of leaving the Conference, the French Delegation wishes to express to the Government of the United States its sincere thanks and appreciation for the excellent reception, the generous hospitality, and all the facilities which were granted it in the accomplishment of its mission. The French Delegation wishes to seize this opportunity, also, to extend to the Chairman and all the Delegates of the Conference most heartfelt gratitude for the support and understanding in the course of the different committee meetings in the light of the particular situation of France.

144. The French Delegation also begs the Chairman to convey to the staff of the International Whaling Conference its very best thanks for their courtesy and most efficient cooperation.

145. The French Delegation will be represented from now on by Mr. Claudel of the French Embassy, who will be fully empowered to act in its name.

146. CHAIRMAN: Thank you, Mr. Anziani. May I extend in the name of the Conference a vote of thanks to the members of the French Delegation for their cooperation at this Conference.

147. MR. ANZIANI (France): Thank you very much, Mr. Chairman.

148. CHAIRMAN: I also would like to express our appreciation of the cooperation that we have received this afternoon from Mr. Dobson of the United Kingdom, because he has enabled us to terminate this session with agreement all the way around on matters of substance and the Drafting Committee can now perform its duties. I hope that Friday morning at 10 a.m. will see the duplicated document ready for our consideration.

149. If there are no further matters to come before the Conference, I propose that we adjourn.

150. (The meeting adjourned at 6:06 p.m.)

DONALD J. CHANEY
Technical Secretary

- END -

RESTRICTED
Corrigendum A
IWC/47

November 29, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

CORRIGENDUM A

MINUTES OF THE TENTH SESSION

November 27, 1946

The following paragraph should read as shown below (changes in text indicated by underscoring):

Page 10

52. I am not prepared, unless you rule, to move an amendment; I do, however, have an amendment I could move. This may not be the appropriate time, but I hope, Mr. Chairman, that I have not erred against the procedure of this Conference and that you will at least allow this matter to be very briefly discussed now and if you will then rule that I should move an amendment I would not wish to do so until we have the draft convention in its final form. But I am in your hands on the matter, Mr. Chairman.

- END-

RESTRICTED
IWC/54

November 29, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE ELEVENTH SESSION

TIME: Friday, November 29, 1946, 11:27 a.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order.

2. The first matter on the order of the day is an announcement by the U.S.S.R. Delegation regarding the reception. Mr. Bogdanov.

3. MR. BOGDANOV (U.S.S.R.): Mr. Chairman and Delegates, the Ambassador of the Soviet Union requests the pleasure of your company at a reception on Monday, December 2, from 6 until 8 p.m. at their Embassy.

4. CHAIRMAN: Thank you, Mr. Bogdanov. Attendance at the reception given by the Union of Soviet Socialist Republics will be by invitation.

5. Were there any other announcements? If not, we will proceed to a consideration of the protocol amending the International Agreement for the Regulation of Whaling in 1947-48.

6. Mr. Dobson.

7. MR. DOBSON (U.K.): Mr. Chairman, it will be within the recollection of the Conference that at their opening meeting I pressed, on behalf of the British Delegation, that we should approach our labors in two stages, namely, that we should deal in a special protocol with the whaling season of 1947-48, and leave the main convention as drafted by the U.S. Government to deal with the 1948-49 and subsequent seasons.

8. The reason we did that was because the British Delegation felt that, owing to the unavoidable delay, it might be quite impossible for all the governments here present to ratify a long-term convention dealing with 1947-48 as well, in time for the provisions of that convention to apply to the 1947-48 season.

9. It will be recalled that I explained some of

(5 pages)

the difficulties which would be experienced by the whaling industries of the different countries if they did not have sufficient time to make their contracts for labor, and so forth.

10. We promptly circulated IWC/17, which brought the British Proposal onto the agenda of the Conference, and, at the same time, we appended a short draft protocol for consideration of the Conference to deal with the 1947-48 season by itself.

11. Now, Mr. Chairman, you, rightly, if I may say so, suggested that we should defer consideration of that suggested protocol until certain delegations which had arrived a little late should have had adequate time to consider the matter. I think it is now important that we should address ourselves immediately, in advance of the main convention, to the consideration of this protocol.

12. In IWC/17, you will see, at the bottom of the page, the draft protocol. It comprises two paragraphs only, the effect of which is to say that the protocol of November 1945, which applies to the season which is about to start, should, in its entirety, apply to the 1947-48 season.

13. Since we drafted IWC/17, we have had the advantage of the consideration of the wording of this suggested protocol by the Drafting Committee; it is very slightly different from what appears in IWC/17. With your permission, I will ask Mr. Thomson, as the Chairman of the Drafting Committee, to indicate what the amendments are; and then I shall be happy to move that the Conference sign that protocol so as to get 1947-48 settled as a separate document.

14. CHAIRMAN: Thank you, Mr. Dobson.

15. Mr. Thomson.

16. MR. THOMSON (U.K.): Mr. Chairman, we have put in a small amendment in Article I to meet the request of the French Delegation; I don't think it is likely to cause any serious difficulty. There are also small amendments of wording which have been put in by the Committee on Drafting. With your permission, I will just go through the document and put those in.

17. In the first line, "The Governments of" we have deleted the words "having in mind" and substituted the word "recognizing".

18. On page 2, line 2, after the words "1947-48" we have deleted the word "and".

19. In Article I, we have deleted the word "That" at the beginning of the first line, which involves

putting a capital to the word "all" which immediately follows it.

20. In line 3 of Article I, after the words "November 26, 1945" we have deleted the words "applicable to the 1946-47 whaling season".

21. That amendment, I may say here, has been made necessary in order to meet the views of the French Delegation with regard to Article V of the Protocol of 1945.

22. In the fourth line, after the words "whaling season shall be" in the original draft we have deleted the word "extended" and put in the words "made applicable". After the words "made applicable" we have deleted the words "to the 1947-48 season".

23. Then at the end of Article I, after the words "season 1946-47" we have added these words, "and the words '1 May 1948 to 31 October 1948' were substituted for the words '1 May 1947 to 31 October 1947'".

24. In the first line of Article II we have substituted the word "protocol" for the word "agreement". We have also deleted the word "That" at the beginning of Article II to bring it into conformity with the new wording of Article I. The remainder of the first line remains the same. The following lines are considerably amended and I think it would be better for me to read them in full.

25. Line 2 will start "notifications of acceptance thereof shall have been given to the Government of the United States of America by all the Governments, parties to the Protocol of November 26, 1945".

26. That is all, Mr. Chairman, unless I have not made something clear.

27. CHAIRMAN: Thank you, Mr. Thomson.

28. Will there be any discussion?

29. Mr. Bogdanov.

30. MR. DOBSON (U.K.): May I say one word before Mr. Bogdanov speaks?

31. CHAIRMAN: Mr. Dobson.

32. MR. DOBSON (U.K.): Is it considered desirable for this to be copied while the discussion is going on? Actually what Mr. Thomson has suggested are merely drafting amendments. Therefore, the spirit remains as in IWC/17 but if we have a discussion on this possibly the time might be taken to have this short document copied.

33. CHAIRMAN: Thank you, Mr. Dobson. That will be done.

34. Mr. Bogdanov.

35. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Chairman, the Soviet Delegation supports the proposal of the Delegation of the United Kingdom, however, it finds it necessary to make the following statement:

36. CHAIRMAN: Mr. Nikishin.

37. MR. NIKISHIN (U.S.S.R.) (Interpretation): Mr. Chairman and delegates, in regard to the proposal of the Delegation of the United Kingdom concerning the prolongation of the International Agreement for the Regulation of Whaling, signed in 1937-38, and its subsequent amendments, including the Protocol of 1945, the Soviet Delegation considers it necessary to make the following statement:

1. The Soviet Delegation principally agrees to the prolongation of the whaling agreement of 1937 and the protocols of 1938 and 1945 to 1947-48, but under the condition of including certain amendments already raised by the Soviet Delegation.

2. Before we come to the exposition of the substance of these amendments, we find it necessary to draw your attention to a number of factors. The Soviet whaling fleet starts for the whaling season of 1946-47 in the Antarctic with a delay, owing to unforeseen circumstances. Moreover, the whaling fleet of the U.S.S.R. starts for such whaling for the first time and without any experience. The Norwegian and United Kingdom fleets were in a similar situation when they were late for the opening of Antarctic whaling in 1945. These circumstances forced the Delegates of Norway and the United Kingdom to make an appropriate statement at the London International Whaling Conference in November 1945 about the prolongation of the whaling season. I will read an extract dealing with this question from the final act at the International Whaling Conference which took place in London in November 1945:

   "The Conference also gave consideration to urgent representations by the Norwegian and United Kingdom representatives that as, owing to unforeseen circumstances, certain factory ships would be unable to reach the whaling grounds by the 24th November, 1945, they should be permitted to operate with a full complement of catchers for a continuous period of four months from the date in which they were able to commence operations."

3. As you know the whaling was interrupted by the war, which gave a certain supplement to the whaling stocks. On the other hand, as a result of the war,

many countries feel sharp shortage of food products and especially fats. That is why, having due regard to the necessity of the conservation of whale stocks, it seems quite possible to make an exception of such kind which was approved by the conference of 1945.

4. Considering measures for the conservation of gray whales, the Conference must take into account that the population of the Northern districts conducts the killing of a small quantity of these whales in the limits of their means for living. That is why the Conference does not have the right to deprive this population of conducting the killing of gray whales for their needs.

Having in mind the above facts, the Soviet Delegation proposes to include in the final act and approve the following:

"(a) The Conference has considered the statement of the Soviet Delegation that under the uncontrolled circumstances the Soviet whaling fleet will commence the Antarctic whaling operations of 1946-47 season with delay. In connection with that, the Conference finds it possible, as the exception, to permit one of the Soviet whaling fleet to conduct whaling within four months from the day of its arrival at the whaling grounds regardless of the fulfillment of the quota of 16,000 blue-whale units.

(b) The Conference has also considered the statement of the Soviet Delegation that the whaling of gray whales in the Beringov and Chukotskoe seas is conducted by the local population of Chukotskoe and Korjakskoe areas in quantities necessary for their own needs."

In connection with the above, the Conference considers it possible to conduct the whaling of gray whales for the consumption of the local population.

The Soviet Delegation expresses their assurance that all the present Delegates of all countries will support this proposal and accept an affirmative decision. Thank you.

38. CHAIRMAN: Thank you.

39. I propose to the Conference that we adjourn and come back to a consideration of this at 2:30 p.m. That will give everybody an opportunity to discuss the matter.

(The meeting adjourned at 12:01 p.m.)

- END -

RESTRICTED
IWC/56

November 29, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE TWELFTH SESSION

TIME: Friday, November 29, 1946, 3:28 p.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order.

2. The first matter before the Conference is Document IWC/53, The Statement of the Delegation of the U.S.S.R. on the proposal of the Delegation of the United Kingdom Concerning the Prolongation of the International Agreement for the Regulation of Whaling, Signed in 1937-38 and Its Subsequent Amendments, Including the Protocol of 1945.

3. Dr. Flory.

4. MR. FLORY (U.S.): Mr. Chairman, I move the following be contained in substance in a provision of the final act in substitution of paragraph "A" on page 2 of IWC/53:

5. "At the request of the Delegation of the U.S.S.R., the following statements are included in the Final Act of the Conference:

> 1. Owing to unforeseen circumstances, the Soviet factory ship will be unable to reach the whaling grounds by the commencement of the 1946-47 season in waters south of 40 degrees south latitude. Accordingly, they request that they be permitted to operate with a full complement of catchers for a continuous period of four months from the date on which their factory ship was able to commence operations in that area. Note is made that a similar concession was made to other governments for the season 1945-46.
>
> 2. The Soviet Delegation also requested that their factory ship be permitted to conduct operations in those waters for the four-month period without regard to the 16,000 blue-whale-unit quota for the season 1946-47.
>
> The Conference supports these requests and considers them justified in the special circumstances. It is understood by the Conference that its support of these requests shall not be regarded as a precedent for future seasons.

(32 pages)

6. CHAIRMAN: Thank you, Dr. Flory. Dr. Flory has moved the substitution of these two paragraphs in the place of "A" on page 2. Is there a second?

7. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Chairman, before we give our opinion about this question, we would like to hear the opinions of the other delegations.

8. CHAIRMAN: Thank you, Mr. Bogdanov.

9. Mr. Dobson.

10. MR. DOBSON (U.K.): I have listened very carefully to Mr. Flory's very clear proposal, but I think the Conference should realize that the basis of Mr. Flory's proposal seems to be wrapped up in the words "owing to unforeseen circumstances". I think, therefore, that the Conference may approach this matter as rather a special case and, therefore, I shall be happy to second the U.S. Proposal.

11. CHAIRMAN: Thank you, Mr. Dobson.

12. Professor Bergersen.

13. MR. BERGERSEN (Norway): There would be no objection from the Norwegian Delegation.

14. CHAIRMAN: Thank you, Professor Bergersen.

15. Dr. Van Dijk.

16. MR. VAN DIJK (Netherlands): There will be no objection from the Netherlands Delegation.

17. CHAIRMAN: If there is no further discussion, I will assume that the Conference approves the substitution of these paragraphs for "A" on page 2.

18. We would like to clear one other matter out of the way before we consider IWC/52. Mr. Flory.

19. MR. FLORY (U.S.): I move that the Conference accept the substance of paragraph B on page 2 of IWC/53 for inclusion in the Final Act.

20. CHAIRMAN: Is there a second?

21. Mr. Bogdanov?

22. MR. BOGDANOV (U.S.S.R.): I second the motion.

23. CHAIRMAN: Thank you, Mr. Bogdanov. The motion has been made and seconded that we include the substance of "B" on page 2, which relates to the whaling of gray whales by the U.S.S.R.

24. Is there any discussion? If not, I assume that there is no objection, and it has been accepted by the Conference.

25. I will now read IWC/52, the revised draft protocol amending the International Agreement for the Regulation of Whaling.

"The Governments of _____
Recognizing the necessity of an early decision regarding the regulations to be made applicable to the whaling season of 1947-48;

Having due regard both to the world shortage of oil and fats and to the necessity for the conservation of the whale stocks;

Agree as follows:

Article I

All the provisions of the Protocol for the Regulation of Whaling signed in London on November 26, 1945 shall be made applicable as if in the said Protocol the words 'season 1947-48' were substituted for the words 'season 1946-47' and the words '1 May 1948 to 31 October 1948' were substituted for the words '1 May 1947 to 31 October 1947'.

Article II

This Protocol shall come into force when notifications of acceptance thereof shall have been given to the Government of the United States of America by all the governments parties to the Protocol of November 26, 1945."

26. Do I hear a motion to adopt this protocol?

27. Mr. Edwards.

28. MR. EDWARDS (Chile): I move this protocol be accepted.

29. CHAIRMAN: Thank you, Mr. Edwards.

30. Professor Bergersen.

31. MR. BERGERSEN (Norway): I second.

32. CHAIRMAN: It has been moved and seconded that the protocol be accepted. Is there any discussion? If not, I will now poll the Delegations.

33. Argentina?

34. DELEGATE OF ARGENTINA: Yes.

35. CHAIRMAN: Australia?

36. DELEGATE OF AUSTRALIA: Yes.

37. CHAIRMAN: Chile?

38. DELEGATE OF CHILE: Yes.

39. CHAIRMAN: Denmark?

40. DELEGATE OF DENMARK: Yes.

44. DELEGATE OF NETHERLANDS: Yes.

45. CHAIRMAN: New Zealand?

46. DELEGATE OF NEW ZEALAND: Yes.

47. CHAIRMAN: Norway?

48. DELEGATE OF NORWAY: Yes.

49. CHAIRMAN: Peru?

50. DELEGATE OF PERU: Yes.

51. CHAIRMAN: U.S.S.R.?

52. DELEGATE OF U.S.S.R.: Yes.

53. CHAIRMAN: United Kingdom?

54. DELEGATE OF U.K.: Yes.

55. CHAIRMAN: United States?

56. DELEGATE OF U.S.: Yes.

57. CHAIRMAN: It seems to be unanimous.

58. May we now have the report of the Drafting Committee on the amendments of the United States Proposals for a whaling convention. This is in document IWC/49.

59. Mr. Chaney.

60. MR. CHANEY (Technical Secretary): Report of the Drafting Committee: "The Drafting Committee met at 2:30 p.m. on November 22, 1946, and at various times thereafter at Conference Headquarters to consider the wording of the Convention, as well as the Schedule and Annex thereto as set forth in IWC/3.

The Committee met under the Chairmanship of Mr. Thomson (U.K.). The other members present were Mr. Anziani, Mr. Budker and Mr. Le Gall (France); Mr. Best (U.K.); Mr. Deason and Mr. Flory (U.S.); Mr. Van Dijk (Netherlands); Mr. Edwards (Chile); Mr. Powles (New Zealand); and Mr. Lykke, Mr. Knudtzon, Mr. Voss (Norway). Other members from the various delegations participated in the discussions from time to time.

The Committee recommends that the wording of the Convention and Schedule be amended as indicated in the redraft in IWC/49. New words to be added are indicated in that redraft by underscoring; words to be deleted are indicated by lines drawn through them.

The Drafting Committee wishes to make it clear that its action in recommending the deletion of Article IX of the U.S. Proposals in no way implies that the Contracting Governments are not entitled to make and enforce any laws or regulations, applicable to its own nationals or to vessels carrying its flag or applicable within its territorial waters, which will give further protection to whales or which are not inconsistent with the provisions of the Convention."

61. CHAIRMAN: Thank you, Mr. Chaney. Dr. Flory.

62. MR. FLORY (U.S.): Mr. Chairman. The report of the Drafting Committee contains both this one sheet of paper, IWC/49, from which Mr. Chaney has been reading and the entire redraft of the agreement. I suggest that we take this paper from which Mr. Chaney has read and approve the last paragraph now and then go through this new document article by article and approve the changes suggested by the Drafting Committee.

63 Therefore, I move that the report of the Drafting Committee, with the exception of the redraft of the proposals, be accepted by the Conference.

64 CHAIRMAN: Is there a second? Mr. Dobson

65. MR. DOBSON (U.K.): I second.

66. CHAIRMAN: It has been moved and seconded that we adopt the first sheet of the committee report. Is there any discussion? Dr. Van Dijk.

67. MR. VAN DIJK (Netherlands): Mr. Chairman, we can agree with the acceptance of the last paragraph on this single sheet, subject to any amendments that may be made by reason of the report of committee on the Netherlands-Norwegian question

68. CHAIRMAN: Thank you, Dr. Van Dijk. Your reservation has been noted. Is there any further discussion? Professor Bergersen.

69 MR. BERGERSEN (Norway): Mr. Chairman, I didn't understand the exact meaning of Mr. Van Dijk's reservation.

70. CHAIRMAN I think it has reference to the matter that was referred to the special Committee on the Netherlands Proposal. That Committee has not made a report as yet

71. MR. BERGERSEN (Norway): Mr. Chairman, I understand that this Committee will have a meeting. They have to take this question in due time.

72. CHAIRMAN: That is it. The Drafting Committee Report will be subject to any report that this Committee may bring in.

73 MR. DOBSON (U.K.): Nothing further than that?

74. CHAIRMAN: Nothing further than that. Are there any further comments? If there is no further objection, I'll assume that the Conference approves the first page.

75. Now we come to the document itself. Since the mimeographing is not very clear, I propose in going through the document to indicate the portions that have been deleted and the alterations that have been made.

76. On line 4 the word "stocks" has been added and "fisheries" deleted. On line 7 the word "kind" has been deleted and also "that many". Lines 8 and 9 have been entirely deleted. On line 10 "making" has been deleted and also the word "that". On line 11 "kinds" and "be protected" have been deleted. Line 12 has been entirely deleted. On line 13 "in some areas" has been deleted. On line 17 the word "these" has been added, "that" has been deleted, and "resources" has been added. On 18 the word "resource" has been deleted. On line 20 "restore the" has been deleted. On line 22 "and that the ultimate objective should" has been deleted. Lines 23, 24, and 25 have also been deleted. On line 27 "restoring the stocks" has been deleted. On line 28 "certain" has been deleted. On line 29 the word "of" after the word "for" has been deleted. On line 30 "certain species" has been deleted. Line 30 should read "to certain species of whales now depleted in". Line 32, "permanent" has been deleted. On line 33 "management" has been deleted. On line 34 "assure" has been deleted. On line 39 "February 7, 1944" and "October 5, 1945" have been deleted. On line 40 "and March 15, 1946" has been deleted. On line 42 "orderly" has been deleted. Line 43 delete "and". Line 44 delete "whale fisheries".

77. Mr. Flory.

78. MR. FLORY (U.S.): I move the adoption of the Preamble as redrafted.

79. CHAIRMAN: Is there a second?

80. MR. EDWARDS (Chile): I second that motion.

81. CHAIRMAN: Is there any discussion? If not, I take it the Conference approves the wording that has been furnished us by the Drafting Committee.

82. Article I. On line 52 delete "(1)", "The present", "including the". On line 53 delete the whole line. Line 55, delete "and to land stations", line 58, delete "and/or". Lines 59 through 62 are also deleted.

83. Mr. Flory.

84. MR. FLORY (U.S.): I move the adoption of Article I as redrafted.

85. CHAIRMAN: Is there a second?

86. MR. ERICHSEN (Denmark): I second it.

87. CHAIRMAN: It has been moved and seconded that Article I be accepted. Is there any delegation that is not now satisfied with this wording?

88. I take it there are no objections, and we will proceed with Article II. In Article II there are no deletions. It is all new.

89. Mr. Edwards.

90. MR. EDWARDS (Chile): I move that Article II be adopted.

91. CHAIRMAN: Is there a second?

92. MR. DRAGO (Argentina): I second it.

93. CHAIRMAN: Is there any delegation that is not now satisfied with this wording? I take it there is no objection.

94. We will now proceed with Article III. On line 76 delete "ARTICLE II". On line 80 delete "which deposits an instrument of." Delete all of line 81 and "Convention on line 82. On line 85 delete "its own officers". On line 88 delete "2/3". On line 89 delete "all the Commissioners". On line 90 delete "IV". On line 94 delete "(3)". Delete all of lines 98, 99, and 100. On line 101 delete "(5)". Delete all of lines 113 through 124. On line 125 delete "(6)". Delete all of lines 130 through 133.

95. MR. DOBSON (U.K.): Mr. Chairman, I beg to move the adoption of Article III.

96. CHAIRMAN: Thank you, Mr. Dobson.

97. MR. RODD (Canada): I second the motion.

98. CHAIRMAN: Is there any delegation that is not satisfied with the wording of Article III? I take it there are no objections.

99. Now we come to Article IV. Line 137, delete "ARTICLE III". Delete all of lines 157 through 175.

100. Mr. Anderson.

101. MR. ANDERSON (Australia): I move the adoption of the Article as read.

102. MR. VAN DIJK (Netherlands): I second it.

103. CHAIRMAN: Does any delegation have any objection to the wording of Article IV? I take it there are no objections, and we can proceed with Article V. On line 177 delete "ARTICLE IV". On line 179 delete "from time to time". On line 200 delete "industries", the last word. On line 209 delete "an" at the end of the line. On line 211 "during this 180-day" should be deleted. Line 217, delete "all" after "each" and "Governments" at the end of the line. On line 223 delete "june 30, 1948".

104. MR. VAN DIJK (Netherlands): I move the adoption of Article V.

105. MR. EDWARDS (Chile): I second the motion.

106. CHAIRMAN: Mr. Dobson.

107. MR. DOBSON (U.K.): Mr. Chairman, I am very sensitive of the fact that I took up a lot of time of the Conference with regard to certain points I raised on this Article. In the course of my observations I mentioned a secondary point which I did not press at the time but which, in addition to attracting certain support from Norway, also, I think, attracted support from Mr. Van Dijk of the Netherlands and from the French Delegation.

108. If you will look at 208, (b), it reads "thereupon, any other contracting Government may present objection to the amendment at any time prior to the expiration of the additional 90-day period".

109. I want to suggest now that we should add after "period" the following words: "or before the expiration of 30 days from the date of receipt of the last objection, whichever shall be the later." If you like, "whichever date may be the later."

110. Mr. Chairman, the object is to prevent this: an objection may be raised by a small country not greatly interested in whaling within the first 90 days, on the eighty-ninth day of the second 90-day period there may be a sudden objection from a larger country, in which case the small country and the large country are not bound but no one else has an opportunity of objecting. My amendment to give 30 days from the date of receipt of the last objection does give any other country an opportunity of objecting if there is a second objection.

111. I think the suggestion I am making will make it a little fairer and will not necessarily prolong the period unduly.

112. Mr. Chairman, if it is more convenient for the American draftsmen to look at this I will be quite willing to accept Article V if we may come to this a little later when Mr. Flory has had an opportunity of considering those words. They seem to us, in the British Delegation, to be an improvement, and, in fact, I am indebted to the New Zealand Delegate for having suggested somewhat similar words.

113. CHAIRMAN: Mr. Flory.

114. MR. FLORY (U.S.): I understand that it is not the intention of the proposal to permit any amendment to be strung out indefinitely 30-day period by 30-day period but rather that one additional 30-day period from the date of receipt of any objections during that last 90-day period. Therefore, for alternative wording we suggest the following:

115. On line 212 following "period" "or before the expiration of 30 days from the date of receipt of the last objection received during such additional 90-day period, whichever date shall be the later."

116. CHAIRMAN: Mr. Dobson.

117. MR. DOBSON (U.K.): I am much obliged to Mr. Flory. That is as I had it with the important addition of "received during the additional 90-day period". I am happy to accept that. I am much obliged for the suggestion. I think that would be an improvement.

118. CHAIRMAN: Thank you, Mr. Dobson.

119. CHAIRMAN: Professor Bergersen.

120. MR. BERGERSEN (Norway): I wish to say that the Norwegian Delegation thinks it is a very good wording.

121. CHAIRMAN: Thank you, Professor Bergersen.

122. Mr. Claudel.

123. MR. CLAUDEL (France): I move the amendment be adopted.

124. CHAIRMAN: Thank you, Mr. Claudel.

125. Mr. Dobson.

126. MR. DOBSON (U.K.): I second.

127. CHAIRMAN: Thank you, Mr. Dobson.

128. Colonel Powles.

129. MR. POWLES (New Zealand): I should like to point out that the effect of the amendment as drafted by Mr. Flory is really to extend the later 90-day period to 120 days in effect and you still have your deadlock at the end of 120 days, which might still have the possibility of catching somebody by surprise. So that the main purpose of Mr. Dobson's original measure is not being carried into effect by Mr. Flory's amendment.

130. MR. DOBSON (U.K.): Mr. Chairman, I hesitate to join issue with Colonel Powles because he was kind enough to suggest these words to me in the first instance but I think that Dr. Flory's addition to my amendment of "received during the second 90-days" makes it impossible for the thing to be carried on. If anybody is caught at the last day of the 30 days, of course, Colonel Powles is right in thinking that they will be stultified but at all events everybody will have had an objection in front of them and a little further time to object.

131. CHAIRMAN: It has been moved and seconded that this alteration be accepted.

132. Is there any further discussion by the delegations? If not, I take it that the Conference has accepted the wording the Drafting Committee has brought us for Article V.

133. Article VI, on line 225 delete Article V. The rest of the Article stands as is.

134. Mr. Rodd .

135. MR. RODD (Canada): I move the adoption of this Article.

136. CHAIRMAN: Mr. Edwards.

137. MR. EDWARDS (Chile): I second that motion.

138. CHAIRMAN: Is there any discussion?

139. I should state that on lines 230 to 234 the note is for the guidance of the Conference. Are any of the delegations not satisfied with this wording? If there are no objections, I take it that the Conference approves the wording of Article VI and we can proceed with Article VII.

140. On line 236 delete "assure". On line 238 delete "Commission". On line 239 delete "agency". On line 241 delete "the present" and "schedule".

141. Mr. Claudel.

142. MR. CLAUDEL (France): I move the adoption of Article VII.

143. MR. VAN DIJK (Netherlands): I second the motion.

144. CHAIRMAN: It has been moved and seconded we accept Article VII. Is there any discussion? If there are no objections, I take it that the Conference approves the present wording of Article VII.

145. Article VIII. On line 244 delete "the present" at the end of the line. On line 245 delete "and schedule". Line 253 should read just "Convention" and then, period, "Each contracting". On line 262 delete "(2)", "the" after "each", and the "s" on "Governments". On line 263 delete "report". On line 266 delete "collected". On lines 268 and 269 delete "III and to the proceeding paragraph". Line 270 delete "(3)". Line 274 delete "shall".

146. MR. GABRIELSON (U.S.): Mr. Chairman.

147. CHAIRMAN: Dr. Gabrielson.

148. MR. GABRIELSON (U.S.): I move the adoption of Article VIII.

149. Mr. Rodd.

150. MR. RODD (Canada): I second the motion.

151. CHAIRMAN: Is there any discussion. Is there any delegation here that is not satisfied with this wording? I take it there are no objections and we can proceed with Article IX.

152. Line 277 delete "ARTICLE VI". Line 278 delete "will" Line 280 delete "the present" and "and of the Schedule". Line 282 delete "its nationals". Line 283 delete "and, in particular". Delete all of lines 284 through 292. On line 294 delete "the present" and "of the Schedule". Line 296 delete "or by a Department of that Government". Line 300 delete "and" at the end of the line. Delete "Schedule" on line 301. Delete all of lines 308 through 317. And on line 318, "Article IX" and all of lines 319 through 325.

153. Mr. Edwards.

154. MR. EDWARDS (Chile): I move Article IX be accepted.

155. MR. ANDERSON (Australia): Mr. Chairman.

156. CHAIRMAN: Mr. Anderson.

157. MR. ANDERSON (Australia): I second.

158. CHAIRMAN: It has been moved and seconded that the wording of Article IX be accepted. Is any delegation not satisfied with this wording?

159. Mr. Van Dijk.

160. MR. VAN DIJK (Netherlands): Mr. Chairman, I have just one remark. I understand that paragraph 2 should come under paragraph 3 (a). I thought it was adopted so in the Drafting Committee.

161. CHAIRMAN: Thank you, Mr. Van Dijk.

162. How about it, Mr. Thomson?

163. MR. THOMSON: I would just like a minute to look at it Mr. Chairman.

164. CHAIRMAN: All right.

165. MR. THOMSON (U.K.): I think that Mr. Van Dijk's point is a good one, because "(2)" links on very much better to (3) (b) without the intervention of (3) (a). I suggest, therefore, that we might drop the (a) and (b) in the present subparagraph (3), and number the paragraph beginning "No bonus" on line 297 "(2)". Then the subparagraph beginning on line 298: "Prosecution for infractions" would become

166. The paragraph below, beginning line 302, which is now 3 "(b)", might become subparagraph (4).

167. I think that would make it clearer.

168. CHAIRMAN: Thank you, Mr. Thomson.

169. DR. VAN DIJK (Netherlands): We quite agree, Mr. Chairman.

170. CHAIRMAN: Thank you, Dr. Van Dijk.

171. The adoption of Article IX has been moved and seconded. Is any delegation not satisfied with the wording now, including the change suggested by Mr. Thomson? I take it there are no objections.

172. Article X, line 327, delete "The present". Line 330: delete "the present". Line 338: delete "The present". Line 339: delete "three". Line 347: delete "(a)". Line 348: delete June 30, 1947". Line 349: delete "IV". Line 350: delete "June 30, 1948". Delete all of lines 351 through 354.

173. Mr. Dobson?

174. MR. DOBSON (U.K.): Mr. Chairman, in subparagraph (4), page 19, beginning on line 338, you will see in line 339 the words "at least five signatory Governments, which shall include" and then the names of four governments, specifically. I think it is very important that, among the specifically named governments, we should include the U.S.S.R. If that will be agreeable to the Conference and the U.S.S.R. Delegation, it would mean not only adding U.S.S.R. among the named governments, but altering "five" in line 339, to "six". I move that this be done.

175. CHAIRMAN: Thank you, Mr. Dobson.

176. MR. DOBSON (U.K.): I don't know whether Mr. Flory would have any comments on the wording.

177. CHAIRMAN: Mr. Flory.

178. MR. FLORY (U.S.): I understand, Mr. Dobson, that it was the desire to include all of the governments which are now engaged in Antarctic whaling, is that correct?

179. MR. DOBSON (U.K.): That is correct. I did not include the Union of South Africa strictly because they are an observer here, but that was the main intention.

180. CHAIRMAN: Thank you, Mr. Dobson. In other words, on line 339 we will substitute "six" for "five". On line 342 we will delete "and" at the beginning of the sentence and after "United Kingdom", "and the Union of Soviet Socialist Republics".

181. MR. BOGDANOV (U.S.S.R.): I second it.

182. CHAIRMAN: Thank you, Mr. Bogdanov. It has been moved and seconded that we accept the wording of Article X which has been furnished us by the Drafting Committee. Is there any delegation that is not satisfied with this wording, with the amendment indicated? I take it there are no objections and we will proceed with Article XI.

183. On line 357 delete "the present", "The thirtieth day of" is deleted, and "June 30" stays as is. On line 358 delete the end of the line "the first day of". Line 362, delete "and". On line 366 delete "the" at the end of the sentence. On line 367 delete "thirtieth day of". The rest stands as is.

184. Mr. Dobson.

185. MR. DOBSON (U.K.): Mr. Chairman, I move the adoption of Article XI.

186. CHAIRMAN: Mr. Van Dijk.

187. MR. VAN DIJK (Netherlands): I second it.

188. CHAIRMAN: It has been moved and seconded that we accept the wording of Article XI. Is any delegation satisfied with this wording?

189. There is one point we should consider. If you will turn back to lines 365, 366, and 367, there is a matter of wording here that requires a slight change. Line 365 should read "the Convention shall cease to be in force on June 30 of the same year with respect to the Government giving such notice of withdrawal." In other words, you just transpose "on June 30 of the same year" after "force".

190. MR. THOMSON (U.K.): Mr. Chairman, there is a small point which I am afraid has escaped the notice of the Drafting Committee. It is with respect to the words on page 21, line 369. All through the rest of this document we have referred to "this Convention" instead of the "present Convention." I should like to move that in this place we delete the words "the present" and insert the word "this".

191. CHAIRMAN: Thank you, Mr. Thomson.

192. MR. FLORY (U.S.): I move the adoption of Article XI with the alterations suggested by the Chairman and Mr. Thomson.

193. CHAIRMAN: Is there a second?

194. MR. RODD (Canada): I second the motion.

195. CHAIRMAN: It has been moved and seconded that we accept this revised wording. Is any delegation dissatisfied with this wording? Colonel Powels.

196. MR. POWLES (New Zealand): Mr. Chairman, I am not dissatisfied with the wording, but I think there is a point I should raise. In view of the fact that the full powers for a number of the delegates have not yet arrived, it may be necessary for the Conference to consider allowing the Convention to remain open for signature for a period of say 14 days. In that case the appropriate clause would have to go in at the end here. I think that would have to be borne in mind.

194. CHAIRMAN: Thank you, Colonel Powles.

198. Mr. Thomson.

199. MR. THOMSON (U.K.): With regard to the point which has been raised by Colonel Powles about the Convention being open for signature for a period of say 14 days, this was provided for in the protocol of 1945. I think somewhat similar words might be inserted here. The words would come in at the top of page 21 before the paragraph starting "IN WITNESS WHEREOF"--"This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter"or such other number of days as the Conference may decide.

200. CHAIRMAN: Thank you, Mr. Thomson. Mr. Flory.

201. MR. FLORY (U.S.): I should like to move the acceptance of the insertion; "The Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter."

202. CHAIRMAN: Thank you, Mr. Flory. It has been moved that this wording be inserted in front of line 368. Is there a second? Mr. Edwards.

203. MR. EDWARDS (Chile): I am pleased to second that motion.

204. CHAIRMAN: Now we come to the acceptance of the whole of Article XI with the proposed addition. Is there a motion for that acceptance with all the changes and this additional wording?

205. MR. FLORY (U.S.): I move the adoption of Article XI with the changes which have been suggested.

206. MR. EDWARDS (Chile): I second that motion.

207. CHAIRMAN: Do any of the delegations have any objections now to this present wording of Article XI? I take it there are no objections, and we can now proceed with the Schedule. From now on the Technical Secretary will read the corrections in the Schedule.

208. MR. CHANEY (Technical Secretary): There are no changes in paragraph 1, subparagraphs (a) and (b). The material is all new.

209. CHAIRMAN: Mr. Flory.

210. MR. FLORY (U.S.): I move the adoption of paragraph 1 of the Schedule.

211. CHAIRMAN: Is there a second? Mr. Rodd.

212. MR. RODD (Canada): I second that motion.

213. CHAIRMAN: Do any delegations have any objection to the present wording? I take it there are no objections, and we can proceed with paragraph 2.

214. MR. CHANEY (Technical Secretary): Line 10, delete "1". There are no other deletions in paragraph 2.

215. CHAIRMAN: Mr. Flory.

216. MR. FLORY (U.S.): I would like to suggest an amendment on line 11: the deletion of the word "such" and insertion of the word "gray". I move that paragraph 2 be adopted with this change.

217. CHAIRMAN: Mr. Bogdanov.

218. MR. BOGDANOV (U.S.S.R.) (Interpretation): I second the motion of Mr. Flory, but with the following change: I propose to exclude the word "meat" and substitute the word "products".

219. CHAIRMAN: I think we will have to change the wording, in that event, as follows: on line 13, delete "as human food".

220. MR. BOGDANOV (U.S.S.R) (Interpretation): I should explain, the people of the north districts use not only meat for their consumption, but use fats, bones, and other products for lighting and other needs.

221. CHAIRMAN: I understand that, but it will be necessary to delete "as human food" on line 13, because they don't eat the bones. In other words, paragraph 2 will now read "It is forbidden to take or kill gray whales or right whales except when the products of gray whales are to be used exclusively for local consumption."

222. MR. THOMSON (U.K.): Mr. Chairman.

223. CHAIRMAN: Mr. Thomson.

224. MR. THOMSON (U.K.): Mr. Chairman, it has been suggested that perhaps we should rather say, "meat and other products" because the meat of the whale is not strictly a product.

225. MR. POWLES (New Zealand): Mr. Chairman.

226. MR. POWLES (New Zealand): In view of the exception which has been made in the case of gray whales, it would now seem that right whales ought to be dealt with by themselves. At the moment the clause reads "It is forbidden to take or kill gray whales or right whales except when the meat and products of gray whales is to be used for local consumption."

228. CHAIRMAN: I think we are going to have to make two paragraphs out of that. I am quite in agreement with you, Colonel Powles.

229. It is proposed now that we break paragraph 2 in two parts. 2 (a) will read "It is forbidden to take or kill right whales," 2 (b) will read "It is forbidden to take or kill gray whales except when the meat and products are to be used exclusively for local consumption by the aborigines."

230. Mr. Rodd.

231. MR. RODD (Canada): Mr. Chairman, I would like to see paragraph 2 remain as it was. Occasionally we need to kill a right whale as the food for the Eskimos. It only happens once in many years, but sometimes we really need that. We are urged very strongly to kill one next year.

232. CHAIRMAN: Under the Geneva Convention you are permitted to do that for the aborigines.

233. MR. RODD (Canada): But we can't kill a right whale with the native weapons.

234. CHAIRMAN: Well, then, suppose we go back to our original wording. Under 2, "It is forbidden to take or kill gray whales or right whales except when the meat and products are to be used exclusively for local consumption by the aborigines."

235. Is there a motion to adopt this wording?

236. MR. RODD (Canada): I move the adoption as just read.

237. CHAIRMAN: Is there a second?

238. Mr. Erichsen.

239. MR. ERICHSEN (Denmark): I second that motion.

240. CHAIRMAN: Thank you, Mr. Erichsen.

241. It has been moved and seconded that we adopt the revised wording for paragraph 2. Do any of the delegations now have any objection to the present wording? I take it there are no objections and we can proceed with paragraph 3.

242. MR. CHANEY (Technical Secretary): Paragraph 3, line 14, delete "2". That is the only change.

243. CHAIRMAN: Do we have a motion to accept paragraph 3?

244. Mr. Edwards.

245. MR. EDWARDS (Chile): I move the adoption of paragraph 3.

246. CHAIRMAN: Is there a second to this motion?

247. Mr. Gabrielson.

248. MR. GABRIELSON (U.S.): I second it.

249. CHAIRMAN: Do any of the delegations have any objection to the wording in paragraph 3? If not, I take it that the Conference approves the wording and we can proceed with paragraph 4.

250. MR. CHANEY (Technical Secretary): On line 17 delete "3". That is the only change in paragraph 4.

251. CHAIRMAN: Mr. Van Dijk.

252. MR. VAN DIJK (Netherlands): Mr. Chairman, I took it that in the Drafting Committee the word "dependent" should be altered to adjacent because any water in the world may be dependent on the Atlantic Ocean and even on the Pacific Ocean. I don't think that is the right expression. Even if this expression has been used in former conventions I think it better that in this new convention we should use the right word.

253. CHAIRMAN: Thank you, Mr. Van Dijk.

254. Mr. Thomson, there was a matter raised by Mr. Van Dijk while you were out of the room. He does not quite approve of the connotation of the words "dependent waters". If you will recall we had discussions over the use of that word in previous conferences. Will you please explain the reason behind our action at previous conferences in using the word "dependent"?

255. MR. THOMSON (U.K.): Mr. Chairman, I was quite aware of Mr. Van Dijk's suggestion that we should replace the word "dependent" by the word "adjacent" in these clauses. We had agreed provisionally in the Drafting Committee to do so, but when we came to look into the matter further we became extremely uncertain about the use of the word "adjacent". We thought that there are various waters which might not be covered by it and we, somewhat reluctantly, in view of Mr. Van Dijk's absence at the time, went back to the word "dependent", which, at least, has the sanction of some nine years of experience. We haven't had any difficulties with the word "dependent" and we rather preferred the devil that we knew to the devil that we knew not of.

256. CHAIRMAN: Thank you, Mr. Thomson.

257. Mr. Van Dijk.

258. DR. VAN DIJK (Netherlands): Mr. Chairman, as the Drafting Committee considered it better to use "dependent", I shall withdraw my objections.

259. CHAIRMAN: Thank you, Mr. Van Dijk. Were there any other comments?

260. Mr. Claudel.

261. MR. CLAUDEL (France): I move paragraph 4 be adopted.

262. MR. GABRIELSON (U.S.): I second the motion.

263. CHAIRMAN: Do any of the other delegations have any observations they wish to make on paragraph 4? If not, I take it that the Conference approves the wording and we can proceed with paragraph 5.

264. MR. CHANEY (Technical Secretary): Paragraph 5, line 35, delete the figure "4". No other change in this paragraph.

265. CHAIRMAN: Mr. Rodd.

266. MR. RODD (Canada): I move the adoption as read.

267. CHAIRMAN: Mr. Edwards.

268. MR. EDWARDS (Chile): I second that motion.

269. CHAIRMAN: It has been moved and seconded that we accept the wording. Do any of the delegations have any objection? I take it there are no objections and we can proceed with paragraph 6.

270. MR. CHANEY (Technical Secretary): Paragraph 6, line 40, delete the figure "5". No other change.

271. MR. POWLES (New Zealand): Mr. Chairman, I move the adoption of paragraph 6.

272. CHAIRMAN: Is there a second?

273. Mr. Erichsen.

274. MR. ERICHSEN (Denmark): I second the motion.

275. CHAIRMAN: It has been moved and seconded that we accept the wording of paragraph 6. Do any of the delegations wish to comment? I take it there are no comments and we will proceed with paragraph 7.

276. MR. CHANEY (Technical Secretary): Paragraph 7, line 44, delete the figure "6". Line 47, delete the word "the" at the end of the line. Line 48, delete "8th day of" and "the 7th day of March".

279. Mr. Gabrielson.

278. MR. GABRIELSON (U.S.): I move the acceptance of this paragraph.

279. MR. ANDERSON (Australia): I second the motion.

280. CHAIRMAN: It has been moved and seconded that we accept the wording of paragraph 7. Is any delegation dissatisfied with the present wording? If not, we will assume that the Conference has accepted the wording and proceed with consideration of paragraph 8.

281. MR. CHANEY (Technical Secretary): Paragraph 8, line 54, delete the figure "7". Line 55 delete the word "caught". Line 58 delete "during any". Line 59 delete "season". Line 66 delete "There shall be notification" as continued on line 67. Line 68 delete "to the Commission". Line 69 delete the word "shall". Line 71 delete the word "caught". Line 73 delete the words "each factory ship". Line 74 delete the words "in any". Line 75 delete all of the words in that line. Line 78 delete the words "the 7th of March". Line 79 delete the word "agency". Line 80 delete the word "shall". Line 87 delete the words "shall be illegal". Line 89 delete the words "There shall be" and the word "notification". Line 91 delete "to the Commission for". Line 93 delete the word "such". Line 94 delete all of that line; also delete all of line 95.

282. CHAIRMAN: Mr. Voss.

283. MR. VOSS (Norway): I think there is a small thing on page 25, line 68. I will begin reading from line 66: "Notification shall be given in accordance with the provisions of Article VII of the Convention." I should think it would be right to delete on line 68 the word "or" and on line 69 "such agency as the Commission may designate" because in Article VII it provided for that. There is a discrepancy there.

284. CHAIRMAN: You suggest, then, the deletion after the word "Convention" of everything on lines 68 and 69?

285. MR. VOSS (Norway): Yes.

286. CHAIRMAN: Mr. Thomson, that is agreeable?

287. MR. THOMSON (U.K.): Yes.

288. CHAIRMAN: Put a comma after the word "Convention"; strike out the rest of line 68; strike out all of line 69.

289. I am very glad you called our attention to that, Mr. Voss. Are there any other corrections?

290. Colonel Powles.

291 MR. POWLES (New Zealand): Mr. Chairman, there is a small point in line 77. The reference to "annual quota" at the end of line 76 and the beginning of line 77. I suggest that the word "quota" is hardly an appropriate word. What is fixed is an over-all limit. As it has been described in the Convention it is a maximum catch. We have used the words "maximum catch" in the Convention itself. It is hardly a quota. I would suggest the use in these lines of "limit" or "maximum catch".

292. CHAIRMAN: You would suggest that we change the word "quota" to "maximum catch" so it will be in accordance with the wording in the Convention?

293. MR. POWLES (New Zealand): Yes.

294. CHAIRMAN: Are there any further corrections? If not, can I have a motion for the acceptance of paragraph 8?

295. Mr. Gabrielson?

296. MR. GABRIELSON (U.S.): I move the acceptance of paragraph 8 with the addition of the two changes that have been suggested.

297. CHAIRMAN: Colonel Powles?

298. MR. POWLES (New Zealand): Mr. Chairman, the words "annual quota" appear again in line 81. Might I suggest that the use of the word "annual" isn't quite accurate, because it is seasonal, it is not annual. The previous paragraph refers to a season. I suggest we should cut "annual" out and just make it read "maximum catch" in each case.

299. CHAIRMAN: Colonel Powles, do you recall where this occurs in the Convention?

300. MR. POWLES (New Zealand): Mr. Chairman, it occurs in line 185, page 11.

301. CHAIRMAN: Mr. Thomson?

302. MR. THOMSON (U.K.): With regard to the use of the word "catch", I see that it is repeated in line 188, as "catch returns". I think we might adopt "maximum catch".

303. CHAIRMAN: Shouldn't we then strike out "annual" at the end of line 76 and change line 77 to read "maximum catch of whales provided by subparagraph (a) of this paragraph may"; and, lines 81 and 82, to: "of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached"? Then it will be consistent with the previous wording.

304. MR. GABRIELSON: Mr. Chairman.

305. CHAIRMAN: Mr. Gabrielson?

306. MR. GABRIELSON (U.S.): I amend my previous motion to include the additional correction that has been asked.

307. CHAIRMAN: Is there a second?

308. MR. CLAUDEL (France): I second it.

309. CHAIRMAN: Are there any further comments on paragraph 8 by the delegations?

310. MR. THOMSON (U.K.): Mr. Chairman.

311. CHAIRMAN: Mr. Thomson?

312. MR. THOMSON (U.K.): It has been suggested that, in view of the fact that we have referred earlier in the schedule to "open" and "closed" seasons, it might be better in paragraph 8, line 55, to add the word "open" in front of "season".

313. CHAIRMAN: That makes it consistent.

314. Mr. Thomson?

315. MR. THOMSON (U.K.); The corresponding amendment will be required to be made in line 141, which we haven't come to yet, but perhaps I might make it now, in case we forget it later.

316. CHAIRMAN: On line 55 write in the word "open" after the "," and on line 141, change to read: "which has been used during an open season in any waters south".

317. MR. ANDERSON (Australia): And if they used it during the closed season?

318. MR. VOSS (Norway): It couldn't be used during the closed season.

319. CHAIRMAN: That is right; your objection is very well taken.

320. Mr. Thomson.

321. MR. THOMSON (U.K.): I withdraw my suggestion with regard to line 141.

322. CHAIRMAN: Mr. Thomson.

323. MR. THOMSON (U.K.): Mr. Chairman, I suggest that line 77, which we have already talked about, and which reads "maximum catch of whales provided by subparagraph (a)", might have a better wording if it read "permitted by subparagraph (a)". I so move.

324. CHAIRMAN: Thank you, Mr. Thomson. The wording for line 77 will now read "maximum catch of whales permitted by subparagraph (a) of this paragraph may".

325. MR. CLAUDEL (France): I second it.

326. CHAIRMAN: Thank you, Mr. Claudel. It has been moved and seconded that we accept the various revisions that have been made to paragraph 8. I take it there are no further objections and that we can proceed with paragraph 9.

327. MR. CHANEY (Technical Secretary): Beginning on line 96, strike the figure "8"; on line 98 strike the word "viz". Strike out all of lines 125 through 134.

328. CHAIRMAN: Mr. Tverianovich.

329. MR. TVERIANOVICH (U.S.S.R.) (Interpretation): Mr. Chairman, owing to the fact that the Conference has already approved the metric system of measurement, we find it necessary to request the inclusion of the metric measurements, the metrical sizes of whales.

330. CHAIRMAN: That can be included.

331. MR. THOMSON: Mr. Chairman, I am not quite sure with regard to this question of metric measurement. As far as I remember, the Committee suggested that metrical equivalents should be set down in a separate paper, which was to be attached to the final act. So far as I remember, it was not proposed actually to include them in the convention or the schedule.

332. CHAIRMAN: Well, I'm quite sure that after whatever minimum length of whale is given in feet we can put in parentheses the equivalents in the metric system. Were there any other further comments on paragraph 9?

333. Mr. Bogdanov, do I understand you wish the equivalents in meters and centimeters?

334. MR. BOGDANOV (U.S.S.R.) (Interpretation): Meters and centimeters will be enough.

335. CHAIRMAN: That is fine, because we were wondering how far in the decimal system you care to go.

336. Two corrections have been suggested to me by the U. S. Delegation's Legal Adviser: In line 118 substitute for "to be" "shall be" and on line 122 strike out the word "apparently" because if it falls on the exact half it is not apparently on it. On line 123 strike out "to" and read "foot shall be logged at the next half".

337. Mr. Thomson.

338. MR. THOMSON (U.K.): In view of the amendments that you have just suggested, altering the word "to" to "shall", I think we shall also have to alter "to" to "shall" in lines 120, 121, and 124. I think that will bring the whole thing into line.

339. CHAIRMAN: Thank you, Mr. Thomson. I missed those points.

340. Now we have the revised wording: in lines 118, 120, and 121 substitute "shall" for "to"; delete "apparently" in line 122; substitute "shall" for "to" in lines 123 and 124.

341. Mr. Thomson.

342. MR. THOMSON (U.K.): Mr. Chairman, I am sorry but I am afraid there are two more corrections of the same kind. Line 113 "measure shall be stretched" and in line 116 "shall be the point of the upper jaw".

343. CHAIRMAN: Colonel Powles.

344. MR. POWLES (New Zealand): In line 113 I do not think that "to" should be changed to "shall" because it is not a complete sentence. It is merely a phrase added on to the previous one. If you put a full stop in line 112 that would do.

345. CHAIRMAN: Colonel Powles objects in line 113 of changing "to" to "shall" unless you stop on line 112.

346. MR. THOMSON (U.K.): I think it would be better, Mr. Chairman, to put a full stop after "whale" and start "The tape".

347. CHAIRMAN: Capitalize "the". Were there any additional corrections in paragraph 9? Mr. Erichsen.

348. MR. ERICHSEN (Denmark): I move the adoption of paragraph 9, and I understand that the metric system can be used instead of feet and inches.

349. CHAIRMAN: That is right. Is there a second?

350. MR. BOGDANOV (U.S.S.R.): I second it.

351. CHAIRMAN: It has been moved and seconded that we accept the wording of paragraph 9. Are any of the delegations now dissatisfied with the wording of paragraph 9? If not, I take it the Conference accepts the present wording, and we can pass on to paragraph 10.

352. MR. CHANEY (Technical Secretary): Paragraph 10, line 135, delete the figure "9". No other changes.

353. CHAIRMAN: Mr. Flory.

354. MR. FLORY (U.S.): I move the adoption of paragraph 10.

355. CHAIRMAN: Mr. Anderson.

356. MR. ANDERSON (Australia): I second the motion.

357. CHAIRMAN: Do any of the delegations wish to comment on paragraph 10 or are there any objections? If not, I take it the Conference approves the wording of 10, and we can pass on to 11.

358. MR. CHANEY (Technical Secretary): Paragraph 11, line 140, delete "10." and the word "no". Line 143, delete the words and figures reading "south of 40° South Latitude shall be"; line 144, delete "used for that"; line 145 delete "elsewhere"; line 146 delete the words reading "twelve months from the 7th of"; line 147 delete "March of any year".

359. CHAIRMAN: Mr. Thomson.

360. MR. THOMSON (U.K.): Mr. Chairman, we have been looking at paragraph 11 again, and we think the meaning might be clarified a little bit by the omission in line 142 of the comma after "Latitude".

361. CHAIRMAN: Thank you, Mr. Thomson.

362. MR. FLORY (U.S.): Mr. Chairman.

363. CHAIRMAN: Mr. Flory.

364. MR. FLORY (U.S.): I move the adoption of paragraph 11 as amended.

365. CHAIRMAN: Mr. Rodd.

366. MR. RODD (Canada): I second the motion.

367. CHAIRMAN: Is any delegation dissatisfied with the wording as amended--taking out a comma? I take it there are no objections and we can assume that the Conference approves paragraph 11, and we can proceed with paragraph 12.

368. MR. CHANEY (Technical Secretary): Line 148, delete "11". Delete all of lines 158 through 167.

369. CHAIRMAN: Mr. Erichsen.

370. MR. ERICHSEN (Denmark): I move the adoption of this paragraph.

371. MR. CLAUDEL (France): I second.

372. CHAIRMAN: Is any delegation dissatisfied with the wording of paragraph 12?

373. MR. ANDERSON (Australia): Mr. Chairman.

374. CHAIRMAN: Mr. Anderson.

375. MR. ANDERSON (Australia): Is there any definition required of the Norwegian word describing "dead whale", or do we take it for granted?

376. CHAIRMAN: On line 275 is the definition of "Dauhval".

377. Are any of the delegations dissatisfied with the present wording now of paragraph 12? I take it there are no objections and we can assume that the Conference approves the present wording, and that we can pass on to paragraph 13.

378. MR. CHANEY (Technical Secretary): Paragraph 13, line 168, delete "12". No other deletions in this paragraph.

379. MR. FLORY (U.S.): I move the adoption of paragraph 13.

380. CHAIRMAN: Mr. Erichsen.

381. MR. ERICHSEN (D nmark): I second that.

382. CHAIRMAN: It has been moved and seconded that we accept the wording of paragraph 13. Do any of the delegations wish to comment on this? I take it there is no objection by any of the delegations and we can assume that this wording is acceptable. We can then proceed with the consideration of paragraph 14.

383. MR. CHANEY (Technical Secretary): Paragraph 14, line 178, delete "13". No other deletions to the paragraph.

384. CHAIRMAN. Mr. Erichsen.

385. MR. ERICHSEN (Denmark): I move the adoption of this paragraph.

386. CHAIRMAN. Mr. Van Dijk.

387. MR. VAN DIJK (Netherlands): I second that motion.

388. CHAIRMAN Do any of the delegations wish to comment on this paragraph? I take it that the Conference approves the present wording of paragraph 14 and we can proceed to paragraph 15.

389. MR. CHANEY (Technical Secretary): Paragraph 15, line 186, delete "14". Delete lines 189 through 193.

390. CHAIRMAN: Mr. Flory.

391. MR. FLORY (U.S.): I move the adoption of paragraph 15.

392. CHAIRMAN: Mr. Rodd.

393. MR. RODD (Canada): I second the motion.

394. CHAIRMAN: It has been moved and seconded that we accept the present wording of paragraph 15. Are any of the delegations dissatisfied with this wording? I take it there are no objections and we can assume that the Conference approves the present wording and proceed with paragraph 16.

395. MR. CHANEY (Technical Secretary): Paragraph 16, line 194, delete "15" and the words reading, "There shall be notification". The word "notification" to be deleted in that line is not capitalized. Line 196, delete the words "to the Commission". Line 205, delete the word "place". No other changes in this paragraph.

396. CHAIRMAN: Mr. Thomson.

397. MR. THOMSON (U.K.): Mr. Chairman, I am afraid that there has been a slip in the latter part of this paragraph. I don't know how it occurred, but in (a) and (b) on lines 215 and 216, the word "gross" has been omitted before "tonnage".

398. CHAIRMAN: Thank you, Mr. Thomson. In other words, lines 215 and 216 will now read (a) "the name and gross tonnage of each factory ship"; and (b) "the number and aggregate gross tonnage of the whale catchers;".

399. MR. FLORY (U.S.): Mr. Chairman.

400. CHAIRMAN: Mr. Flory.

401. MR. FLORY (U.S.): I move the adoption of paragraph 16 as revised.

402. CHAIRMAN: Mr. Anderson.

403. MR. ANDERSON (Australia): I second.

404. CHAIRMAN: Is the present wording satisfactory to all the delegations? Since there are no objections I assume that the present wording is acceptable to the Conference and we can proceed with paragraph 17.

405. MR. CHANEY (Technical Secretary): There are no deletions in paragraph 17, it being new material.

406. CHAIRMAN: Mr. Anderson.

407. MR. ANDERSON (Australia): As this reads it looks like the <u>governments'</u> movements are confined solely to territorial waters; I think it is meant to be the <u>factory ships</u>. I suggest that the word "and" go before the word "movement". It may make it read differently.

408. CHAIRMAN: Line 222 will read "operating under the jurisdiction of a contracting government". Line 223 would be changed to "and the movements of which are confined solely to its"; line 224 "territorial waters, shall be subject to the regulations".

409. Mr. Thomson.

410. MR. THOMSON (U.K.): I am sorry to raise another point, but as it now reads we have the territorial waters of the factory ship. I think we should say "the movements of which are confined solely to the territorial waters of that contracting government".

411. CHAIRMAN: I take it now that the accepted wording will be: Line 223 "and the movements of which are confined solely to the"; line 224 "territorial waters of that contracting government, shall be subject to the regulations", with a comma after government.

412. MR. VALLANCE (U.S.): Drop "contracting government".

413. CHAIRMAN: Then the wording for line 224 will read "territorial waters of that government, shall be subject to the regulations". We dropped the word "contracting". I assume that the French Delegation and the Australian Delegation are satisfied with the wording of (a) and (b) on page 34.

414. Mr. Claudel.

415. MR. CLAUDEL (France): It is very satisfactory as far as we are concerned.

416. CHAIRMAN: Mr. Anderson.

417. MR. ANDERSON (Australia): I am satisfied with the wording.

418. CHAIRMAN: Mr. Lykke.

419. MR. LYKKE (Norway): Is there a reason for using "Western" coast on line 228 and "West" coast on line 229? It is not important.

420. MR. DOBSON (U.K.): The Committee that considered that put in "West coast" but I assume the Drafting Committee put in "Western".

421. MR. THOMSON (U.K.): Mr. Chairman, I deny that imputation. "Western" was in the draft of the Committee as it reached us. I have no objection to replacing "Western" by "West".

422. CHAIRMAN: Would that be acceptable to you, Mr. Claudel?

423. MR. CLAUDEL (France): Yes.

424. CHAIRMAN: Then line 228 will now read "and on the West coasts of French Africa". Well, then, it should be singular, "the West coast".

425. MR. CLAUDEL (France): No, "West coasts". There are two, the French Equatorial and West.

426. CHAIRMAN: You are right.

427. MR. DOBSON (U.K.): I move the adoption of paragraph 17 as amended.

428. MR. FLORY (U.S.): I second Mr. Dobson's motion.

429. CHAIRMAN: Is the wording now satisfactory to all the delegations? I take it there are no objections and we can consider that paragraph 17 is acceptable to the Conference. We can go on now to paragraph 18.

430. MR. CHANEY (Technical Secretary): Paragraph 18, line 234, delete "16". Delete all of lines 236 through 248. No other deletions.

431. CHAIRMAN: Mr. Knudtzon.

432. MR. KNUDTZON (Norway): In the paragraph 9 of the Schedule as it now reads we have detailed rules for the way the whale should be measured and I would move that the lines 276 through 280, giving the definition of length, be omitted.

433. CHAIRMAN: In other words, lines 276 through 280 are plainly a duplication of what is contained in lines 109 through 124.

434. Dr. Mackintosh.

435. MR. MACKINTOSH (U.K.): Can we have the word "finner" on line 254 or 255?

436. CHAIRMAN: I suggest you put it in line 254 after "finback".

437. MR. MACKINTOSH (U.K.): After the second "finback"?

438. CHAIRMAN: Yes. These are just English vernacular names.

439. The deletion of lines 276 to 280 requires a change to be made on line 110. After the word "possible" on line 110, insert "when the whale is at rest on deck or platform".

440. Mr. Thomson.

441. MR. THOMSON (U.K.): I should suggest, Mr. Chairman, it might come in better after "measured" in line 109--"whale should be measured when at rest".

442. CHAIRMAN: Mr. Thomson.

443. MR. THOMSON (U.K.): There is also another small correction. The second word should, I think, read "must" rather than "should".

444. CHAIRMAN: Now your wording is "Whales must be measured, when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end" and so forth.

445. Now paragraph 18. Do I have a motion for acceptance of paragraph 18?

446. MR. DOBSON (U.K.): I move acceptance of paragraph 18.

447. CHAIRMAN: Thank you, Mr. Dobson. Is there a second?

448. MR. ERICHSEN (Denmark): I second.

449. CHAIRMAN: It has been moved and seconded that we accept these definitions in paragraph 18. Are there any objections or are any of the delegations dissatisfied with this wording? It is practically the same, in most cases, as in previous conventions, with the exception that we have added a definition of the Norwegian "Dauhval" on line 275. I assume there are no objections and that the Conference accepts paragraph 18.

450. MR. CHANEY (Technical Secretary): The Annex, beginning on page 37 and continuing through page 39, is deleted in its entirety.

451. MR. FLORY (U.S.): I move the deletion of the Annex.

452. CHAIRMAN: Is there a second?

453. Mr. Anderson.

454. MR. ANDERSON (Australia): I second that.

455. CHAIRMAN: It has been moved and seconded we delete the Annex, unless there is objection from the Conference. I take it that the delegations approve the deletion.

456. I believe that it is desirable now to act on the acceptance of the entire report of the Drafting Committee as amended this afternoon in plenary session.

457. Dr. Flory.

458. MR. FLORY (U.S.): I so move.

459. CHAIRMAN: Is there a second?

460. MR. DOBSON (U.K.): I second the motion.

461. CHAIRMAN: Unless there are objections, we will

poll the delegations and then adjourn.

462. Argentina?

463. DELEGATE OF ARGENTINA: Yes.

464. CHAIRMAN: Australia?

465. DELEGATE OF AUSTRALIA: Yes.

466. CHAIRMAN: Canada?

467. DELEGATE OF CANADA: Yes.

468. CHAIRMAN: Chile?

469. DELEGATE OF CHILE: Yes.

470. CHAIRMAN: Denmark?

471. DELEGATE OF DENMARK: Yes.

472. CHAIRMAN: France?

473. DELEGATE OF FRANCE: Yes.

474. CHAIRMAN: Netherlands?

475. DELEGATE OF THE NETHERLANDS: Yes.

476. CHAIRMAN: New Zealand?

477. DELEGATE OF NEW ZEALAND: Yes.

478. CHAIRMAN: Norway?

479. DELEGATE OF NORWAY: Yes.

480. CHAIRMAN: Peru?

481. DELEGATE OF PERU: Yes.

482. CHAIRMAN: U.S.S.R.?

483. DELEGATE OF U.S.S.R.: Yes.

484. CHAIRMAN: U.K.?

485. DELEGATE OF U.K.: Yes.

486. CHAIRMAN U.S.?

487. DELEGATE OF U.S.: Yes.

488. MR. DOBSON (U.K.): Mr. Chairman.

489. CHAIRMAN: Mr. Dobson.

490. MR. DOBSON (U.K.): I don't think that we ought to adjourn without expressing our warm approval and thanks to the Drafting Committee, who have done a very great work, and especially to Mr. Thomson, the Chairman, for very many late sessions. I would like to so move.

491. CHAIRMAN: I certainly second that. I had intended to thank Mr. Thomson for the long hours that he and his Committee have spent on this convention and for the very clear and precise wording that they have presented to this Conference. I am sure that every member here appreciates the work they have done.

492. MR. THOMSON (U.K.): Mr. Chairman, I should like to thank you and to thank Mr. Dobson for his motion and for what you have said about us. I should like to say, in my capacity as Chairman, that I have never had a more hard-working or agreeable committee to work with.

493. CHAIRMAN: There is another thing. We should meet tomorrow at 10 a.m. to consider the Final Act. The Committee on the Netherlands Proposal will meet at 9 a.m., as I have just been informed.

494. Are there any other announcements before we adjourn? If not, this session is adjourned.

(The meeting adjourned at 6:50 p.m.)

- END -

RESTRICTED
IWC/58

November 30, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE THIRTEENTH SESSION

TIME: Saturday, November 30, 1946, 11:17 a.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order.

2. The first matter I hope the delegations will pay close attention to, is that of the correction of the delegation listings. Will the delegation members please review the listing of their delegations in the Draft of the Final Act, IWC 57, and report corrections to the Conference Editor, room 1126, within two hours after the close of this plenary session. The listing in the Draft Final Act is based on the credentials, but please review this list, particularly the spelling of the names.

3. Mr. Drago.

4. MR. DRAGO (Argentina): I move that the Technical Adviser of Argentina, Captain S. Fagerli, be deleted, because we haven't received the confirmation of his appointment from Argentina.

5. CHAIRMAN: Thank you, Mr. Drago.

6. Were there any other corrections that should be noted at this time?

7. MR. CLAUDEL (France): Mr. Chairman.

8. CHAIRMAN: Mr. Claudel.

9. MR. CLAUDEL (France): Should we report corrections here or to room 1126?

10. CHAIRMAN: Either way. If you report it now we are certain to get it.

11. MR. CLAUDEL (France): Well, there is one correction there. Mr. Anziani is Assistant Director, Economic Affairs, Ministry of French Overseas Territories and not French Navy.

(13 pages)

12. CHAIRMAN: French Overseas Territories.

13. MR. CLAUDEL (France): And then I would separate the three names of the French Delegation, Mr. Anziani, Mr. Le Gall, and Mr. Budker, and leave one line in blank, and put Mr. Lacoste and my name last.

14. CHAIRMAN: Well, that is a bit more complicated, Mr. Claudel, if you could explain that to the Editor.

15. MR. CLAUDEL (France): All right.

16. CHAIRMAN: Were there any other suggestions on alterations?

17. If not, we will take up the next matter for this session, and that is the report of the Committee on the Netherlands Proposal.

18. Mr. Dobson.

19. MR. DOBSON (U.K.): Mr. Chairman, "the Report of the Netherlands Committee, November 30, 1946: The Committee to which certain matters raised by the Netherlands Delegate at the second session of the Conference were referred met at 9:00 a.m. on November 21, 1946 and again on November 30, 1946.

The Committee met under the chairmanship of Mr. Dobson (U.K.). Other members present were Mr. Flory (U.S.), Mr. Knudtzon (Norway), Mr. Van Dijk (Netherlands), and Mr. Anderson (Australia).

The Committee had the advantage of hearing a verbal statement from both the Netherlands and the Norwegian Delegates; subsequently these statements were confirmed in writing and are attached as appendices to this Report.

The Committee were in considerable doubt as to whether the representations made by the Netherlands Delegate were within the competence of the Conference to deal with, but, in any event, they were unable to agree upon a unanimous report.

In the circumstances, the Committee suggests that the papers dealing with the subject at issue lie on the table without prejudice to the right of the Netherlands Delegate to raise the matter at the next plenary session."

20. Mr. Chairman, that is the report, and I beg to move its adoption.

21. CHAIRMAN: Thank you, Mr. Dobson.

22. Mr. Drago.

23. MR. DRAGO (Argentina): We second.

24. CHAIRMAN: It has been moved and seconded that we adopt the Committee's Report. Are there any comments?

25. It is suggested that the delegations should now read (1) the statement from the Netherlands Delegation dated November 25, 1946, that is, Working Draft No. 2; (2) the statement proposed by the Netherlands Delegation for inclusion in the Final Act dated November 30, 1946; and (3) the statement from the Norwegian Delegation concerning Netherlands proposal dated November 25, 1946, that is Working Draft No. 1.

26. CHAIRMAN: Dr. Van Dijk?

27. MR. VAN DIJK (Netherlands): Mr. Chairman, as the Netherlands Delegation pointed out in its statement the Netherlands is very scarce on fats and on foreign currency, too, and the Netherlands was forced to enter the whaling business.

28. Now, as a matter of fact, because we had no skilled personnel, we relied on the same resources of skilled personnel as all the countries which participate in whaling now rely, and that is our neighbor country, Norway. We were very much astonished, as I already pointed out in the second session of this Conference, that this law has been accepted in Norway. But, nevertheless, we took the same position and we asked our Norwegian friends to alter this law, in order that we, and other countries which would participate in whaling, could enter the whaling industry. But, nevertheless, we did not succeed in it.

29. Mr. Chairman, it is not our idea that the sovereignty of one or the other country to decree internal laws would be affected; but, Mr. Chairman, in our opinion this law has a certain discriminating character, because this law does not only apply alone to Norwegian companies and Norwegian personnel. No, other countries who were in the whaling industry before the third of September 1939 can still rely on getting Norwegian personnel and Norwegian material.

30. Now, we think that when one or another government should like to accept a law which only affects those countries and those companies which did not participate in whaling, it is a law which is of a certain discriminating character.

31. Mr. Chairman, the Netherlands wants to keep to the international regulations on whaling. We are quite aware of the very great importance of the principles laid down in the convention, and we would like to keep to them. But, Mr. Chairman, don't prevent any country from keeping to the regulations--just make it possible for each country. When you have unskilled labor it is, as we all know here especially in this Conference, very difficult to keep to the regulations. That is, Mr. Chairman, why we rely just on Norwegian personnel.

32. Mr. Chairman, before this late war, others such as German and Japanese whaling factory ships which entered the whaling industry, also relied for a greater part on Norwegian personnel. Also, our country has suffered very much from the war, and from the time of the occupation especially. We did not ask for a German part or for the Japanese part in the whaling. We didn't like to do that, and we didn't like to ask for a whaling factory ship in order to get a certain compensation for the many sufferings we had. No, we built ourselves a factory ship and we did everything possible, but there is one thing we couldn't do and that was to provide for our own people.

33. Mr. Chairman, we asked the Committee to submit our statement to this Conference, and we are glad that at least the Committee could consent to doing this; but we, nevertheless, ask, Mr. Chairman, the Conference to accept the statement proposed by the Netherlands Delegation for inclusion in the Final Act, which, as you know, reads as follows:

> "The Conference recommends that in the interest of effective conservation and development of whale stocks the governments represented at the Conference refrain from taking any measures which might prevent any country adhering to the principles of the international whaling agreements from ratifying or entering into the international regulations for the preservation of whale stocks."

34. Mr. Chairman, willing as the Netherlands Delegation is to sign the Convention, we must draw your attention to the fact that it is quite difficult for a country which is willing even to sign the Convention to ratify when it is prevented in one or another way from taking the best skilled labor.

35. Mr. Chairman, I also must draw your attention to the fact that if any other country which is now not a signatory party to the Convention should enter the whaling industry, it could prevent such a country from adhering to the regulations when it could not have the most skilled labor. As it does not only apply to countries but also to companies which do enter the whaling industry, I should say that other countries which participate in this Conference might be affected also if new companies might be erected in the future.

36. Mr. Chairman, I move that the statement proposed by the Netherlands Delegation, and which I just have read aloud, should be taken up in the Final Act.

37. If the Conference could not agree with our statement, nevertheless, Mr. Chairman, I should like then that the statement should be included in the Final Act, with remarks that only those countries could agree with it, and the other ones, which are participating in this Conference, not.

38. Thank you very much.

39. CHAIRMAN: Thank you, Dr. Van Dijk.

40. MR. DRAGO (Argentina): Mr. Chairman.

41. CHAIRMAN: Mr. Drago.

42. MR. DRAGO (Argentina): The Argentine Delegation recognizes that the Norwegian regulation of its citizens engaged in whaling operations under the foreign concern is a matter of international sovereignty of that country, but the Argentine Delegation expresses the hope that no one of the governments which participate in this Conference issue regulations that could harm in any way the whaling activities of friendly countries that are signatories of this Convention.

43. CHAIRMAN: Thank you, Mr. Drago.

44. MR. BERGERSEN (Norway): Mr. Chairman.

45. CHAIRMAN: Just a minute. It is getting along toward twelve o'clock. It is suggested that the Conference now adjourn and in the interval between now and this afternoon's session that everyone will reexamine the documents and also IWC/57--that is the Final Act. This afternoon we will dispose of the report on the Netherlands question and then proceed through the Final Act item by item. We should go as rapidly as possible on the Final Act this afternoon; consequently, everyone should have their comments well in mind. - If that is agreeable, we will adjourn and resume the discussion at 2:30.

46. Is that agreeable to you, Professor Bergersen?

47. MR. BERGERSEN (Norway): Quite, yes.

48. CHAIRMAN: Dr. Van Dijk?

49. MR. VAN DIJK (Netherlands): Mr. Chairman, I must say that I regret very much that just now, at this moment, we are adjourning. Thank you.

50. CHAIRMAN: Well, it is getting near twelve o'clock and I thought we could come back to it this afternoon; in the meantime everyone would know what they were going to say and we can proceed much more rapidly. If that is agreeable to you.

51. Mr. Dobson.

52. MR. DOBSON (U.K.): Mr. Chairman, I do not want to get awry with your rulings, but I am bound to say that the view of the British Delegation would have been in favor of trying to settle this matter here and now. But I don't want to interfere with your program you have got to get the Conference settled.

53. CHAIRMAN: If it is agreeable with the Conference, we will remain in continuous session until we have disposed of this matter.

54. All right, Professor Bergersen.

55. MR. BERGERSEN (Norway): Mr. Chairman, the statement proposed today by the Netherlands Delegation may apparently seem to have no consequences if accepted; we know, however, that in the written statement dated November 25 the Netherlands Delegation had demanded a resolution by this Conference that the Norwegian Delegation should request the Norwegian Government to cancel a Norwegian Act of Parliament. It should, therefore, be quite clear to everybody that the Netherlands proposal affects the sovereign right of a nation to regulate its internal affairs. Consequently, the Norwegian Delegation cannot accept it and as a matter of principle, it cannot even take part in a discussion of the Netherlands proposal.

56. CHAIRMAN: Thank you, Professor Bergersen.

57. Are there any other comments?

58. Mr. Claudel.

59. MR. CLAUDEL (France): Mr. Chairman, I wish to support the statement of the Netherlands Delegation. I am of the opinion that the measures taken by the Norwegian Government are of a monopolistic nature, which is contrary to the spirit of international cooperation which should prevail at this time, particularly among nations that suffered for so many years from occupation. The Netherlands population, as well as the French and other European Allied populations, are fighting hard to get minimum standards of living. To succeed, it needs the cooperation of all nations, and this should be fully understood by all member governments of this Conference.

60. CHAIRMAN: Thank you, Mr. Claudel.

61. MR. DOBSON (U.K.): I do not want to prolong this discussion unnecessarily, but I do think the Conference should be quite clear about the very serious implications that the acceptance of the paragraph put forward by Mr. Van Dijk would have for the Conference. I have been astonished at listening to Mr. Claudel because the whole thing in the background here is a matter of

sovereignty. That is one of the points and when I appealed to the Conference to allow the Commission to pass regulations which would be binding on all the countries, it will be recalled from the minutes of the meetings that it was pointed out to me that the question of sovereignty was a very important one. Mr. Flory did it very clearly and concisely and it seems to me, therefore, that what Mr. Claudel has said now conflicts entirely with the French point of view which was taken when I tried to move a somewhat similar thing when the question of sovereignty was raised. But I do think the conference ought to realize they are dealing here with a matter which may have the most important implications and reaction on the other findings of the Conference.

62. CHAIRMAN: Thank you, Mr. Dobson.

63. Mr. Erichsen.

64. MR. ERICHSEN (Denmark): It seems to me that the question raised by the Netherlands Delegation is not a matter this Conference can deal with. It seems to me that such a question is a question which should be between the Netherlands and the Norwegian Governments and it is not a question we can deal with here.

65. CHAIRMAN: Thank you, Mr. Erichsen.

66. Dr. Flory.

67. MR. FLORY (U.S.): I hesitate very much at this stage of the Conference to disagree with my Netherlands colleague. However, I feel that, in all fairness, the position of the United States Delegation should be set forth for the record. We believe, with Mr. Erichsen, that this is a matter which is outside the competence of this Conference. We came together here to discuss questions of conservation of the whale stocks. This issue which has come forth is broadly related to the whole question of whaling, however, we feel that this is strictly a question of economic foreign policy which should be taken up by other means than this Conference. We of the American Delegation wish to support the Report of the Committee which Mr. Dobson has read.

68. CHAIRMAN: Thank you, Dr. Flory.

69. Mr. Drago.

70. MR. DRAGO (Argentina): The Argentine Delegation supports the point of view of the United States but we will recognize the right of the Norwegian Delegation to take internal measures she considers best suited.

71. CHAIRMAN: Thank you, Mr. Drago.

72. Dr. Van Dijk.

73. MR. VAN DIJK (Netherlands): Mr. Chairman, as regards the remarks of the Delegate of the United Kingdom, I must point out here that it was not the intention of our statement to affect in one way or another the sovereignty of a country. As the position that France has taken is just the same position as the Netherlands has taken in those regards to the sovereignty of some country and what our proposal just made is this: that not that the sovereignty of a country should be affected but only that the sovereignty of a country should not be extended to such a way that other countries might be affected by it.

74. Mr. Chairman, I still have no answer on my proposal that our statement shall be adopted or rejected. Anyway that it shall be taken up in the Final Act with the comment that it was either adopted or rejected.

75. CHAIRMAN: Thank you, Dr. Van Dijk.

76. As a matter of parliamentary procedure we first have to have a vote on the Report and then we can come to the matter of a secondary motion.

77. Mr. Anderson.

78. MR. ANDERSON (Australia): I support the report of the Chairman in this matter as I feel although we sympathize with the Netherlands in this matter, starting out in whaling with inexperienced crews, we do not see how in any way we could force another government to supply nationals or to allow its nationals to come and work for our own country. We would be placed in the same position if we go on with pelagic whaling, but in all fairness to the Netherlands Delegation it is within their sovereignty and we have no right to interfere with them.

79. CHAIRMAN: Thank you, Mr. Anderson.

80. I propose that we poll the Delegations on the acceptance of the Committee's Report.

81. CHAIRMAN: Argentina.

82. DELEGATE OF ARGENTINA: Yes.

83. CHAIRMAN: Australia.

84. DELEGATE OF AUSTRALIA: Yes.

85. CHAIRMAN: Canada.

86. DELEGATE OF CANADA: Yes.

87. CHAIRMAN: Denmark.

88. DELEGATE OF DENMARK: Yes.

89. CHAIRMAN: France.

90. DELEGATE OF FRANCE: No.

91. CHAIRMAN: Netherlands.

92. DELEGATE OF NETHERLANDS: No.

93. CHAIRMAN: New Zealand.

94. DELEGATE OF NEW ZEALAND: Yes.

95. CHAIRMAN: Norway.

96. DELEGATE OF NORWAY: Yes.

97. CHAIRMAN: Peru.

98. DELEGATE OF PERU: Yes.

99. CHAIRMAN: U.S.S.R.

100. DELEGATE OF U.S.S.R: Yes.

101. CHAIRMAN: United Kingdom.

102. DELEGATE OF U.K.: Yes.

103. CHAIRMAN: United States.

104. DELEGATE OF U.S.: Yes.

105. CHAIRMAN: In accordance with the Rules of Procedure Chapter VII, Article XX, page 5, there has been a majority vote accepting the Committee Report. The Report stands approved.

106. As a matter of procedure I will now ask Dr. Van Dijk to formally move the Netherlands proposal for inclusion in the Final Act.

107. MR. VAN DIJK (Netherlands): I move, Mr. Chairman, the inclusion of my statement in the Final Act.

108. CHAIRMAN: Thank you, Dr. Van Dijk. Is there a second?

109. MR. CLAUDEL (France): I second it.

110. CHAIRMAN: Is there any discussion? Mr. Dobson.

111. MR. DOBSON (U.K.): I do not think it is necessary for me to say any more, because I could only repeat what I have said when we were considering the Report of the Committee. But perhaps I shall be in order if I move an amendment to Mr. Van Dijk's proposal for inclusion in the Final Act. I move that it be not included.

112. CHAIRMAN: Mr. Erichsen.

113. MR. ERICHSEN (Denmark): I second that.

114. CHAIRMAN: Do any of the delegations wish to raise any further questions? Colonel Powles.

115. MR. POWLES (New Zealand): Mr. Chairman, as far as concerns the actual Netherlands proposal, which was related to certain statutory provisions passed by the Netherlands Government, I feel that it is a matter which does not come within the purview of this Conference. I feel it is a matter which concerns certain economic and trade restrictions and that we should not be asked to pass any judgment upon it. I think, also, that it is not within the purview of the Conference, because it does not appear on the draft agenda nor could it be argued from the invitation issued by the United States Government to member governments to attend this Conference that a matter of this kind was going to be raised.

116. Consequently, although I voted in favor of the adoption of the Committee's Report, I did so because I felt that the Committee's Report adequately stated the fact that some members were of the opinion that the matter did not come within the purview of the Conference.

117. As far as the actual Netherlands proposal for inclusion in the Final Act is concerned, I propose to vote against that because I feel it is far too broad and general in its terms. It seems to me that I cannot conceive of all the various possibilities which it might entail. What it asks us to do is to go on record stating that any government must refrain from taking any measures which might prevent any other government from ratifying the Convention.

118. Now, how on earth, it seems to me, could we go on record with a sweeping declaration to that extent? No governments are likely to know what motives are likely to move other governments in either ratifying or declining to ratify.

119. It seems to me it is altogether too broadly stated, and I am quite unable to foresee what the possibilities of it are. Consequently, I shall be compelled to vote against it.

120. CHAIRMAN: Thank you, Colonel Powles. Dr. Flory.

121. MR. FLORY (U.S.): Dr. Van Dijk has placed the question before us, as he sees it, of forcing a vote either in favor of the Netherlands position or in favor of the Norwegian position. The American Delegation will be forced to vote against the inclusion of Dr. Van Dijk's proposal. However, that does not mean that the United States is taking any side on the substantive issues involved in this matter at this Conference. But the United States Delegation will be forced to vote against the inclusion of Dr. Van Dijk's proposal on the ground that it does not come properly within the competence of this Conference.

122. CHAIRMAN: Thank you, Dr. Flory.

123. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Chairman, the Soviet Delegation finds it possible and necessary to include the proposal of the Netherlands Delegation in the Final Act on the basis that the inclusion of the statement in the Final Act will be sufficient notice for the consideration by the Norwegian Government of a possible revision by that Government of a law of the Norwegian Government that is not satisfactory to the governments parties to this Convention.

124. CHAIRMAN: Thank you, Mr. Bogdanov. Now, under our parliamentary procedure it is necessary that we take up the amendment first--the amendment proposed by Mr. Dobson that the statement proposed by the Netherlands Delegation should not be included in the Final Act.

125. The motion was made by Mr. Dobson and seconded by Mr. Erichsen. I will now poll the Delegations.

126. Argentina.

127. DELEGATE OF ARGENTINA: Yes.

128. CHAIRMAN: Australia.

129. DELEGATE OF AUSTRALIA: Yes.

130. CHAIRMAN: Canada.

131. DELEGATE OF CANADA: Yes.

132. CHAIRMAN: Denmark.

133. DELEGATE OF DENMARK: Yes.

134. CHAIRMAN: France.

135. DELEGATE OF FRANCE: No.

136. CHAIRMAN: Netherlands.

137. DELEGATE OF NETHERLANDS: No.

138. CHAIRMAN: New Zealand.

139. DELEGATE OF NEW ZEALAND: Yes.

140. CHAIRMAN: Norway.

141. DELEGATE OF NORWAY: Yes.

142. CHAIRMAN: Peru.

143. DELEGATE OF PERU: Yes.

144. CHAIRMAN: Peru yes. U.S.S.R.

145. DELEGATE OF U.S.S.R.: No.

146. CHAIRMAN: U.S.S.R. no. United Kingdom.

147. DELEGATE OF UNITED KINGDOM: Yes.

148. CHAIRMAN: United Kingdom yes. United States.

149. DELEGATE OF UNITED STATES: Yes.

150. CHAIRMAN: The vote on the motion to not include the statement proposed by the Netherlands Delegation is as follows: 9 yes, and 3 no. Under our Rules of Procedure, Chapter 7, Article XX, page 25, there is a clear two-thirds majority and therefore this matter will not be included in the Final Act. This action also automatically disposes of the previous motion for inclusion of the statement in the Final Act.

151. Well, then, suppose we now adjourn until 2:30 this afternoon?

152. MR. VAN DIJK (Netherlands): Mr. Chairman, so we understood that the Conference cannot agree to the inclusion of our statement in the Final Act.

153. CHAIRMAN: That is the result of the vote.

154. MR. VAN DIJK (Netherlands): Now, Mr. Chairman, we move that there should be attached a separate resolution to the Final Act, with the same wording.

155. CHAIRMAN: Mr. Bogdanov.

156. MR. BOGDANOV (U.S.S.R.): I second the motion.

157. CHAIRMAN: It has been moved and seconded that we have another vote on the proposal that a separate resolution with the same wording be attached to the Final Act. Mr. Dobson.

158. MR. DOBSON (U.K.): Mr. Chairman, on a point of order I suggest that this is quite impossible. If a thing is put in the Final Act, it's in the Final Act. If it's an appendix to the Final Act, it's still a part of the Final

Act, whether it's called an appendix or schedule, or whatever you want to call it. And, I consider, therefore, that Mr. Van Dijk is out of order in moving this. His motion has, in fact, been resolved by the last vote.

159. CHAIRMAN: I quite agree with Mr. Dobson; under parliamentary procedure the matter has been disposed of. Mr. Van Dijk.

160. MR. VAN DIJK (Netherlands): Mr. Chairman, I think that you can still attach resolutions to the Final Act because the Final Act has to be signed, and not the resolution.

161. CHAIRMAN: About all I see that you can do, Mr. Van Dijk, is to put the resolution under your signature at the signing of the Final Act as a reservation.

162. MR. VAN DIJK (Netherlands): Mr. Chairman, that is the least that I am going to do. Thank you.

163. CHAIRMAN: I hope you are clear on the parliamentary procedure. I move that the Conference now adjourn and reassemble at 2:30.

(The Conference adjourned at 12:30 p.m.)

- END -

RESTRICTED
IWC/62

November 30, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE FOURTEENTH SESSION

TIME: Saturday, November 30, 1946, 3:49 p.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order.

2. As regards Document IWC/57, the Draft Final Act of this Conference, has any delegation any objection to the wording of page 6?

3. Mr. Flory.

4. MR. FLORY (U.S.): I move the acceptance of page 6.

5. CHAIRMAN: Is there a second?

6. Mr. van Dijk.

7. MR. VAN DIJK (Netherlands): I second.

8. CHAIRMAN: Thank you, Mr. van Dijk. It has been moved and seconded that we accept the wording of page 6. Is there any discussion? Can I take it the Conference accepts the wording of page 6 and proceed with the remaining pages?

9. It is requested that the members of each committee, or at least the chairman, submit such corrections as are necessary either in the listing of the membership of the committee or in the spelling of the names to the editor, Room 1126, within one hour after the close of this session. The committees are listed on pages 6 to 9. It is possible that some individuals may have been left off the lists of the committee membership. We wish to have these as correct as possible.

10. On page 9, is the following wording acceptable?

11. "The final session was held on December __, 1946.

12. "As a result of the deliberations of the Conference, the following instruments were formulated and opened

(31 pages)

for signature on December __, 1946.

13. "International Convention for the Regulation of Whaling

14. "Protocol for the Regulation of Whaling

15. "The following resolutions and recommendations were adopted:

16. Mr. Thomson.

17. MR. THOMSON (U.K.): Mr. Chairman, I suggest that after the line reading the "Protocol for the Regulation of Whaling," it might make it easier in the later paragraphs if we inserted in brackets, "(hereinafter referred to as the Convention and Protocol respectively)."

18. CHAIRMAN: Thank you, Mr. Thomson. Have any of the other delegates any suggestions as to change in wording of these few lines?

19. Would it be agreeable, Mr. Thomson, to have that wording read as follows: "(hereinafter referred to as the Convention and the Protocol respectively)"?

20. MR. THOMSON: (U.K.): Right.

21. CHAIRMAN: Mr. Drago.

22. MR. DRAGO (Argentina): Mr. Chairman, in this paragraph, 'As a result of the deliberations of the Conference, the following instruments were formulated and opened for signature on December __, 1946: "-- we would like to know how many days it would be open for signature. It might be a case of putting in January instead of December.

23. CHAIRMAN: Fourteen days.

24. MR. DRAGO (Argentina): Fourteen days.

25. CHAIRMAN: Suppose I read the revised wording. "As a result of the deliberations of the Conference, the following instruments were formulated and opened for signature on December __, 1946, to remain open for signature for 14 days."

26. MR. FLORY (U.S.): Mr. Chairman.

27. CHAIRMAN: Mr. Flory.

28. MR. FLORY (U.S.): I move the adoption of this section as amended.

29. CHAIRMAN: Is there a second?

30. MR. THOMSON (U.K.): I second that, Mr. Chairman.

31. CHAIRMAN: Thank you, Mr. Thomson.

32. It has been moved and seconded that these lines as amended be accepted by the Conference. Any discussion or any objections? I take it there are no objections and that we can proceed with the consideration of Article I. Mr. Chaney will read.

33. MR. CHANEY: (Technical Secretary): Article II ?The International Whaling Conference

RESOLVES:

34. "1. To express its gratitude to the President of the United States of America, Harry S. Truman, for his initiative in convening the present Conference and for its preparation;

35. "2. To express to its Chairman, Remington Kellogg, its deep appreciation for the admirable manner in which he has guided the Conference;

36. "3. To express to the Officers and Staff of the Secretariat its appreciation for their untiring services and diligent efforts in contributing to the attainment of the objectives of the Conference."

37. CHAIRMAN: May I say that these kind words are somewhat embarrassing to me.

38. MR. DRAGO (Argentina): We move the acceptance of that.

39. CHAIRMAN: Thank you, Mr. Drago. Is there a second?

40. MR. BOGDANOV (U.S.S.R.): I second it.

41. CHAIRMAN: Thank you, Mr. Bogdanov. Are there any comments by any of the delegations? I take it there are no objections, so we can assume that the Conference accepts Article I.

42. Now, as to Article II. Mr. Chaney:

43. MR. CHANEY (Technical Secretary): Article II

"The International Whaling Conference

RESOLVES:

45. "That the Government of the United States of America be authorized to publish the Final Act of this Conference; the texts of the Convention and Protocol formulated by the Conference; and to make available for publication such additional documents in connection with the work of this Conference as in its judgment may be considered in the public interest."

46. MR. THOMSON (U.K.): Mr. Chairman.

47. CHAIRMAN: Mr. Thomson.

48. MR. THOMSON (U.K.): Mr. Chairman, just a very small point in view of the amendment that we have made on the previous page. Is it now necessary to put in the words "formulated by the Conference" after "the texts of the Convention and Protocol"?

49. It is just a point that I am throwing out. I have no strong views on this either way.

50. CHAIRMAN: Mr. Flory.

51. MR. FLORY (U.S.): Mr. Thomson's suggestion is acceptable to the United States.

52. MR. ANDERSON (Australia): Mr. Chairman, should we put in "the Protocol" in that case?

53. CHAIRMAN: Mr. Chaney.

54. MR. CHANEY (Technical Secretary): I will now reread Article II as amended:

55. "The International Whaling Conference

RESOLVES:

56. That the Government of the United States of America be authorized to publish the Final Act of this Conference, the texts of the Convention and of the Protocol, and to make available for publication such additional documents in connection with the work of this Conference as in its judgment may be considered in the public interest."

57. CHAIRMAN: Mr. Flory.

58. MR. FLORY (U.S.): Just as a matter of understanding, the United States Government, if this paragraph is accepted, will not publish the texts of the Final Act of the Conference, the Convention, or the Protocol until after the expiration of the fourteen days following the date on which the documents are opened for signature.

59. CHAIRMAN: Mr. Drago.

60. MR. DRAGO (Argentina): We move for adoption.

61. CHAIRMAN: Thank you, Mr. Drago. Is there a second?

62. MR. POWLES (New Zealand): I second the motion.

63. CHAIRMAN: It has been seconded by Colonel Powles that the Conference accept the revised wording of Article II of this Final Act. Do any of the delegations wish to comment on this Article as now revised? May we assume that there are no objections and that the Conference accepts Article II; and then we can proceed with Article III?

64. MR. CHANEY (Technical Secretary):

65. "The International Whaling Conference

RESOLVES:

66. "That all signatory governments should draw the attention of their inspectors and of the whaling companies operating under their jurisdiction to cases which have occurred in the past of taking --"

it has been suggested that "baleen" be inserted there --

"baleen whales in the closed season on the pretext of providing fenders for the bunkering of whale catchers. The Conference desires to emphasize that this practice constitutes an infringement of paragraph 7 of the Schedule annexed to the Convention formulated by the Conference and recommends that if it is desired to send whale catchers long distances in the open sea before the commencement of the whaling season, suitable arrangements must be made for bunkering them without the use of whale carcasses."

67. CHAIRMAN: Mr. Thomson.

68. MR. THOMSON (U.K.): Mr. Chairman, before anybody moves the adoption of this Article III, there is an inconsequential alteration in line 8 "formulated by the Conference" comes out again.

69. CHAIRMAN: Thank you, Mr. Thomson.

70. MR. KNUDTZON (Norway): Mr. Chairman.

71. CHAIRMAN: Mr. Knudtzon.

72. MR. KNUDTZON (Norway): I wish to suggest that, to be consequent, we alter the last words to read: "bunkering them without the use of carcasses of baleen whales."

73. CHAIRMAN: Mr. Flory.

74. MR. FLORY (U.S.): It has been suggested that an improvement in the wording might be made in line 3: to insert the word "previous" before the word "cases"; and to delete "which have occurred in the past".

75. CHAIRMAN: Any further comments?

76. MR. ANDERSON (Australia): Mr. Chairman.

77. CHAIRMAN: Mr. Anderson.

78. MR. ANDERSON (Australia): Beginning on line 10 the statement is made "and recommends that if it is desired to send whale catchers long distances in the open sea before the commencement of the whaling season". In the first part of this Article we refer to the closed season. Evidently, they can do what they like at the end of the season. I think that could be struck out or, if it is necessary, we can repeat "during the closed season", which would make line 10, "catchers long distances in the open sea during the closed season".

79. CHAIRMAN: Mr. Thomson.

80. MR. THOMSON (U.K.): Mr. Chairman, possibly we might say "before the commencement of or after the end of".

81. MR. ANDERSON (Australia): That will do.

82. CHAIRMAN: Mr. Chaney will read the revised draft.

83. MR. CHANEY (Technical Secretary): "That all signatory governments should draw the attention of their inspectors and of the whaling companies operating under their jurisdiction to previous cases of taking baleen whales in the closed season on the pretext of providing fenders for the bunkering of whale catchers. The Conference desires to emphasize that this practice constitutes an infringement of paragraph 7 of the Schedule annexed to the Convention and recommends that if it is desired to send whale catchers long distances in the open sea before the commencement of or after the end of the whaling season, suitable arrangements must be made for bunkering them without the use of carcasses of baleen whales."

84. CHAIRMAN: Dr. Flory.

85. MR. FLORY (U.S.): I move the acceptance of Article III as amended.

86. CHAIRMAN: Is there a second?

87. MR. THOMSON (U.K.): Mr. Chairman.

88. CHAIRMAN: Mr. Thomson.

89. MR. THOMSON (U.K.): I second that motion.

90. CHAIRMAN: Thank you, Mr. Thomson. Do any of the delegations wish to discuss the revised wording of Article III. I take it the Conference accepts the revised wording of Article III, and we can now proceed to the consideration of Article IV.

91. MR. CHANEY (Technical Secretary): "Article IV. The International Whaling Conference

RECOMMENDS:

92. That the chart of Nomenclature of Whales annexed to this Final Act be adopted by the governments represented at the Conference."

93. MR. MACKINTOSH (U.K.): Mr. Chairman.

94. CHAIRMAN: Mr. Mackintosh.

95. MR. MACKINTOSH (U.K.): There are one or two slight differences between the list of English names given in this list annexed to the Final Act. They are not all quite in the same order as those shown on page 35 of the Draft Schedule. I don't know whether it matters. I thought it was worth mentioning.

96. CHAIRMAN: Would it be desirable to put them in alphabetically, or what is your suggestion regarding the vernacular names?

97. MR. MACKINTOSH (U.K.): Can we change the Schedule now?

98. CHAIRMAN: I think we will have to change the chart in the Final Act. There are other corrections that must be entered.

99. Does this sequence necessarily have to follow that of the Schedule?

100. MR. MACKINTOSH (U.K.): Why, no. I don't think it matters.

101. CHAIRMAN: I don't think so, either, as far as the actual use is concerned.

102. MR. MACKINTOSH (U.K.): Well, we will leave it.

103. CHAIRMAN: Thank you, Mr. Mackintosh.

104. There are certain corrections that should be made in the Chart on pages 16, 17, and 18. I have given each of the delegations changes that are necessitated in the Latin names.

105. The first is "Baloenides". That should be "Balaenidae (Right Whales)".

106. The Spanish equivalent or vernacular name of "Balaena mysticetus" is "Cabeza arqueada," and this will be changed in the final draft.

107. The word, down on that same page, "Baloenopteri" should read "Balaenopteridae" and then in parentheses "Furrow-throated whales".

108. "Megaptera Nova angliae" -- there is an "e" that has been dropped off of "novae".

109. Under "Neobalaena marginata" the Spanish name for that Pigmy Right Whale is "Enana".

110. On the next page, "Balaenopteri (cont.)" should read "Balaenopteridae (cont.)".

111. "Rudolphis" should have an apostrophe between the "i" and the "s".

112. On the last page, "Rachianectes glaucus Cole" is not only misspelled but the wrong authority. It should be "Rhachianectes glaucus" and the name should be "Cope" and not "Cole".

113. The word "Odontocetidae" should be "Physeteridae".

114. In front of "Hyperoodon" we should insert the family name "Ziphiidae".

115. Apparently, this matter of spelling escaped my notice when the chart was drafted. The other changes indicated by the different delegations will be incorporated in the Final Draft of this chart.

116. CHAIRMAN: Colonel Powles.

117. MR. POWLES (New Zealand): I am not quite sure what the governments are expected to do with this very valuable list of names of whales. The paragraph recommends that the governments should adopt the list. If that means it should be adopted by any legislative action, I feel we ought to use some other word. Could I suggest "accept as a guide"?

118. CHAIRMAN: I think you are quite right.

119. I might say that the International Commission for Nomenclature might not be willing to accept an Act of this Conference to guide them in what scientific names have priority and which ones do not. I think that would be preferable "to accept as a guide" and thank you, Mr. Powles.

120. Mr. Gabrielson.

121. MR. GABRIELSON (U.S.): I move the Conference accept Article IV and the Chart, as amended.

122. CHAIRMAN: Thank you, Mr. Gabrielson. Is there a second? Mr. Mackintosh.

123. MR. MACKINTOSH (U.K.): I second.

124. CHAIRMAN: Seconded. Do any of the delegations wish to discuss the matter of scientific and vernacular names?

125. Mr. van Dijk.

126. MR. VAN DIJK (Netherlands): Is there still an opportunity that we can alter some names here later on because there is a mistake here.

127. CHAIRMAN: I recommend that the various delegations make their corrections within one hour after the close of this Conference if they can. Were there any other further comments on scientific and vernacular names? If not, can I take it that the Conference approves Article IV and the Chart as amended, and we can now proceed with Article V?

128. MR. CHANEY (Technical Secretary): Article V. "The International Whaling Conference

RECOMMENDS:

129. "That the Commission should review the embargo on the taking of humpback whales by whale catchers in any waters south of 40° south latitude after taking into consideration the biological and other data available and consider the desirability of either the removal of the prohibition after the 1948-49 season and the southern winter season of 1949 or alternatively a limitation of the number of humpbacks to be taken both in the Antartic and tropical areas."

130. CHAIRMAN: Mr. Deason.

131. MR. DEASON (U.S.): At the risk of being labeled as a pedantic individual, I would like to suggest a minor amendment. In the second line we use the term "humpback whales" and in the last line but one, the term "humpbacks" is used. I believe in the interest of consistency it should read "humpback whales" in both places.

132. CHAIRMAN: Thank you, Mr. Deason.

133. Mr. Thomson.

134. MR. THOMSON (U.K.): Mr. Chairman, the same small point occurs in line 1 as occurred with the use of the words "convention" and "protocol". This is the first time that the Commission has been mentioned in this Final Act. I think that we should set it out in full, and the recommendation would then read "That the International Whaling Commission provided for in Article III of the Convention" and then in brackets after that "(hereinafter referred to as the Commission)".

135. CHAIRMAN: Thank you, Mr. Thomson.

136. Mr. Anderson.

137. MR. ANDERSON (Australia): I think there is a little mistake. It says the taking of humpback whales by whale catchers. Actually in the Schedule it reads "forbidden to use a factory ship or a whale catcher attached thereto". If Article V is what is taken as a recommendation now, my friend Colonel Powles would be up the pole, because the New Zealand operations would cease. They are from a land based station.

138. CHAIRMAN: You have to take whales with a whale catcher. You can't catch them by hand.

139. MR. ANDERSON (Australia): No. The Schedule actually reads "a factory ship and a whale catcher attached thereto" not a land station and that is what we have to provide for.

140. CHAIRMAN: You mean as provided in Article III?

141. MR. ANDERSON (Australia): Yes, in the Schedule, paragraph 6, page 24.

142. CHAIRMAN: Thank you, Mr. Anderson.

143. Colonel Powles.

144. MR. POWLES (New Zealand): I am obliged to Mr. Anderson for pointing that out. I think we should state clearly here the repetition of the governing words of the Schedule itself.

145. CHAIRMAN: Thank you, Mr. Powles.

146. Mr. Thomson.

147. MR. THOMSON (U.K.): Mr. Chairman, I think that the points raised by Mr. Anderson will be met if we reword the first two lines of the recommendation, as follows: "That the International Whaling Commission," and so on, "should review the embargo on the use of factory ships or whale catchers attached thereto for the purpose of taking humpback whales in any waters."

148. CHAIRMAN: Thank you, Mr. Thomson. It has also been suggested that as long as we use the word "prohibition" in line 5 that "embargo" should be changed to "prohibition."

149. MR. CHANEY (Technical Secretary): Now as reworded: "That the International Whaling Commission, provided for in Article III of the Convention (hereinafter referred to as the Commission) should review the prohibition on the use of factory ships or whale catchers attached thereto for the purpose of taking humpback whales in any waters south of 40° south latitude after taking into consideration the biological and other data available and consider the desirability of either the removal of the prohibition after the 1948-49 season and the southern winter season of 1949 or alternatively a limitation of the number of humpback whales to be taken both in the Antarctic and tropical areas."

150. CHAIRMAN: Mr. Dobson.

151. MR. DOBSON (U.K.): I move the adoption of Article V as amended.

152. CHAIRMAN: Thank you, Mr. Dobson. Is there a second?

153. MR. GABRIELSON (U.S.): I will second it.

154. CHAIRMAN: It has been moved and seconded that the Conference accept the revised wording of Article V. Do any of the delegations wish to discuss the revised wording?

155. I take it that there are no objections, and we can assume that the Conference now accepts the revised wording and that we can proceed with the consideration of Article VI.

156. MR. CHANEY (Technical Secretary): ARTICLE VI. "The International Whaling Conference

RECOMMENDS:

158. "That the Commission should keep under constant review the question of the length of the Antarctic whaling season and also the maximum catch of whales permitted to be taken during the season."

159. CHAIRMAN: Mr. Deason.

160. MR. DEASON (U.S.): I wish to suggest a minor amendment. I recommend that the words in the last line but one, the words "catch of whales", be deleted and that the line be amended to read: "...and also the maximum number of blue-whale units, as defined by paragraph 8 (b) of the Schedule, permitted to be taken..."

161. CHAIRMAN: Mr. Anderson.

162. MR. ANDERSON (Australia): Mr. Chairman, the question reads "should keep under constant review the question of the length of the Antarctic whaling season." Should we not also consider the period in that recommendation--the length and period too. You do fix a commencing and finishing date. It would not come in the description of length.

163. CHAIRMAN: You suggest after "length" to insert "and period".

164. MR. ANDERSON (Australia): Yes.

165. CHAIRMAN: Mr. Thomson.

166. MR. THOMSON (U.K.): Mr. Chairman, we suggest the word "limits" instead of "length".

167. CHAIRMAN: And then delete "and period".

168. MR. THOMSON (U.K.): Yes. One other point. I am sorry to be constantly butting in on these subjects, but this is the first time that the Schedule has been mentioned. Should we say "the Schedule attached to the Convention"?

169. MR. CHANEY (Technical Secretary): As revised again, the wording is: "That the Commission should keep under constant review the question of the limits of the Antarctic whaling season and also the maximum number of blue-whale units as defined by paragraph 8 (b) of the Schedule attached to the Convention permitted to be taken during the season."

170. CHAIRMAN: Mr. Powles.

171. MR. POWLES (New Zealand): Mr. Chairman, we referred to the Schedule in Article III--recommendation 3. We then described it as "annexed".

172. CHAIRMAN: Thank you, Mr. Powles. Mr. Thomson.

173. MR. THOMSON (U.K.): I'm sorry, I didn't notice that.

174. MR. CHANEY (Technical Secretary): The deletion of the words "attached to the Convention" will help the construction a little.

175. CHAIRMAN: We are getting quite involved with all these additions. "Attached to the Convention" in recommendation VI has now been deleted, as it occurs previously in recommendation III. It is defined there.

176. Mr. Flory.

177. MR. FLORY (U.S.): I move the adoption of Article VI, as amended.

178 CHAIRMAN: It has been moved that we accept the amended wording of Article VI.

179. MR. ANDERSON (Australia): I second it.

180. CHAIRMAN: It is seconded by Mr. Anderson that we accept this wording. Do any of the delegations wish to discuss this wording further? If not, I take it that the Conference accepts the wording as now revised and that we can proceed with the consideration of recommendation VII.

181. MR. CHANEY (Technical Secretary): Article VII:

182. "At the request of the Delegation of the U.S.S.R., the following statements are included in the Final Act of the Conference:

183. "1. Owing to unforeseen circumstances the Soviet factory ship will be unable to reach the whaling grounds by the commencement of the 1946-47 season in waters south of 40° South Latitude. Accordingly the Soviet Delegation requests that this ship be permitted to operate with a full complement of catchers for a continuous period of four months from the date on which it was able to commence operations in that area. Note is made that a similar concession was made to other governments for the season 1945-46.

184. "2. The Soviet Delegation also requests that the factory ship be permitted to conduct operations in that area for the four-month period during the season 1946-47 without regard to the 16,000 blue-whale unit catch limitation.

185. "The Conference supports these requests and considers them justified in the special circumstances. It is understood that support by the Conference of these requests shall not be regarded as a precedent for future seasons."

186. CHAIRMAN: Mr. Anderson.

187. MR. ANDERSON (Australia): I think the words "in

the Final Act of the Conference" in the second and third lines are unnecessary now because this is the Final Act, isn't it? Shouldn't it read "at the request of the Delegation of the Union of Soviet Socialist Republics, the following statements are included:"?

188. CHAIRMAN: In other words, we will delete "in the Final Act of the Conference" because it is now in the Final Act? Mr. Anderson.

189. MR. ANDERSON (Australia): That is right.

190. CHAIRMAN: Mr. Flory.

191. MR. FLORY (U.S.): I move the adoption of Article VII of the Final Act as amended.

192. MR. DOBSON (U.K.): I second.

193. CHAIRMAN: It has been moved and seconded that the Conference accept Article VII of the Final Act. Do any of the delegations wish to comment on this Article? I take it there are no objections and that the Conference can accept Article VII of the Final Act. We can now proceed with recommendation VIII.

194. MR. CHANEY (Technical Secretary): Article VIII: "The International Whaling Conference

SUPPORTS

195. "and considers justified the request of the Soviet Delegation that the taking of grey whales in the Beringov and Chukotskoe seas should be permitted for the local population of Chukotskoe and Korjakskoe areas in quantities necessary for the needs of these populations."

196. Certain corrections have been made here with respect to the names of the seas. "Beringov", drop the "ov"; "Chukotskoe", drop the "oe"; and "Chukotskoe" again in the next line, drop the "oe"; and "Korjakskoe", drop the "oe".

197. MR. THOMSON (U.K.): Mr. Chairman, I think there are two small corrections which were not made when the resolution was read out. Gray whales is spelled here "g-r-e-y". We have used "g-r-a-y" in the Convention, and in the fourth line it should be "populations". I think we have used "of these populations" just below.

198. CHAIRMAN: Thank you, Mr. Thomson.

199. MR. FLORY (U.S.): In view of the changes which are made in paragraph 2 of the Schedule, I suggest that it would be desirable to reword this Article so that it will conform to the provisions of paragraph 2 of the Schedule. That rewording will involve some additions to this Article. In line 3, "and Chukotsk seas should be permitted"; delete "for the

local" and insert "when the meat and products of such whales are to be used exclusively for local consumption by the aborigines." In the next line, delete "population", place a period after "areas" and delete the rest of the paragraph.

200. MR. GABRIELSON (U.S.): Mr. Chairman.

201. CHAIRMAN: Dr. Gabrielson.

202. MR. GABRIELSON (U.S.): I would just like to call your attention to the fact that the word "grey" is spelled g-r-e-y in the Annex. Instead of trying to correct all these documents, why don't we just authorize the editors to make it uniform throughout the document? I don't care which one they use.

203. CHAIRMAN: Thank you, Dr. Gabrielson. I think that the simplest procedure on these vernacular names is to leave it to the editor to get consistent spelling.

204. MR. VAN DIJK (Netherlands): Mr. Chairman, just a small remark. In Article VII, I read the Delegation of the U.S.S.R. It should read here, too, in Article VIII, because in Article VIII it mentions the Soviet Delegation.

205. CHAIRMAN: Mr. Flory.

206. MR. FLORY (U.S.): I wonder if we might have the views of the Soviet Delegation as to whether it prefers the words "Soviet Delegation", of "U.S.S.R." spelled out.

207. MR. BOGDANOV (U.S.S.R.) (Interpretation): It is better to say, "The Delegation of the U.S.S.R."--spell it out.

208. CHAIRMAN: Thank you.

209. Mr. Bogdanov.

210. MR. BOGDANOV (U.S.S.R.) (Interpretation): We move the adoption of this Article as amended.

211. CHAIRMAN: Thank you, Mr. Bogdanov.

212. Is there a second?

213. MR. GABRIELSON (U.S.): I second.

214. CHAIRMAN: It has been moved and seconded that we accept the revised wording for recommendation VIII of this Final Act.

215. MR. CLAUDEL (France): Mr. Chairman.

216. CHAIRMAN: Mr. Claudel.

217. MR. CLAUDEL (France): Can this Article be read once more?

218. MR. CHANEY (Technical Secretary): Article VIII.

219. "The International Whaling Conference

SUPPORTS

220. "and considers justified the request of the Delegation of the U.S.S.R. that the taking of gray whales in the Bering and Chukotsk Seas should be permitted when the meat and products of such whales are to be used exclusively for local consumption by the aborigines of Chukotsk and Korjaksk areas."

221. CHAIRMAN: It has been moved and seconded that the Conference accept the revised wording of Article VIII. Are there any further objections?

222. I take it there are no further objections, and the Conference accepts the revised wording of Article VIII, and we can now proceed to the consideration of Article IX.

223. MR. CHANEY (Technical Secretary): Article IX

224. "The International Whaling Conference

CONSIDERS:

225. "That the conditions relating to the use of factory ships within territorial waters of Contracting Governments should be kept under review by the Commission so as to insure that these operations are conducted on an economic basis."

226. CHAIRMAN: Mr. Deason.

227. MR. DEASON (U.S.): Mr. Chairman, I wish to suggest a minor amendment. The point of reference of this Article, I think, would be improved if it were tied in with the Schedule, and I suggest that, after the words "Contracting Governments," the following be inserted: "as provided by paragraph 17 of the schedule."

228. CHAIRMAN: Mr. Chaney.

229. MR. CHANEY (Technical Secretary): As revised, "That the conditions relating to the use of factory ships within territorial waters of the Contracting Governments, as provided by paragraph 17 of the Schedule, should be kept under review by the Commission so as to insure that these operations are conducted on an economic basis."

230. CHAIRMAN: Mr. Claudel.

231. MR. CLAUDEL (France): I move the adoption of Article IX, as amended.

232. CHAIRMAN: Mr. Anderson.

233. MR. ANDERSON (Australia): I will second that motion.

234. CHAIRMAN: It has been moved and seconded that we accept the revised wording of Article IX of the Final Act.

235. Do any of the delegations have any further comments?

236. If not, I take it that the Conference approves the wording of Article IX. I now propose that we have a ten-minute recess and then continue with the consideration of the remaining Articles in the Final Act.

237. CHAIRMAN: Could we persuade the delegations that are now outside to come into the room.

238. We now come to recommendation X, which Mr. Chaney will read.

239. MR. CHANEY (Technical Secretary): (reading)

240. "X. The International Whaling Conference

RECOGNIZES:

241 "The desirability of achieving a large measure of uniformity among the various Contracting Governments with respect to the nature and severity of penalties imposed, for contraventions of this Convention, upon persons or ships operating under their jurisdiction. It recognizes that even under the most favorable management and with the most conscientious and experienced gunners and crews, it is inevitable that some whales will be taken illegally and that a certain latitude should be allowed in assessing penalties for such unavoidable taking. It may be that legal and administrative differences among the Contracting Governments will prevent the adoption of a uniform system of penalties, but it is the view of the Conference that it is desirable that the Governments should provide for the imposition of penalties sufficiently severe to discourage the killing or taking of illegal whales.

242. The Conference accordingly recommends that the Commission should study the reports regarding infractions made to them in accordance with the provisions of Article IX (4) of the Convention, with a view to making recommendations to Governments as provided for in Article VI of the Convention for the purpose of achieving the greatest possible uniformity in the penalties imposed for contraventions of the Convention."

243. CHAIRMAN: Mr. van Dijk.

244. MR. VAN DIJK (Netherlands): Mr. Chairman, the last line of paragraph 1 now reads "the killing or taking of

illegal whales". It should be "the illegal killing or taking of whales".

245. CHAIRMAN: Thank you, Mr. van Dijk. - We have to ask a Netherlands man to correct English!

246. MR. VAN DIJK (Netherlands): I noted that.

247. MR. THOMSON (U.K.): Mr. Chairman.

248. CHAIRMAN: Mr. Thomson.

249. MR. THOMSON (U.K.): Just a very small point. I think we have used the words "the Convention" throughout this Final Act; and, in line 4, I think we should use it again: "contraventions of the Convention" - instead of "this Convention".

250. CHAIRMAN: Thank you, Mr. Thomson.

251 Mr. Flory.

252. MR. FLORY (U.S.): I move the adoption of Article X with the amendments suggested.

253. CHAIRMAN: Is there a second?

254. MR. ANDERSON (Australia): I second it.

255. CHAIRMAN: It has been moved and seconded by Mr. Anderson, that we accept Article X as revised.

256. Are there any further comments on recommendation X? Are there any objections?

257. I take it that I can assume now that the Conference approves the present wording of Article X, and that we can pass on with the reading of Article XI.

258. MR. CHANEY (Technical Secretary): (reading)

259. "XI. The Delegation of the U.S.S.R. states that the general fishing laws of the Soviet Union provide for a 5% deviation from legal size, and requests that this should be taken into account.

260. "The Conference considers that this point is already met in Recommendation X which provides for a certain latitude to be allowed in assessing penalties for the unavoidable taking of undersized whales."

261. CHAIRMAN: Mr. Bogdanov.

262. MR. BOGDANOV (U.S.S.R.) (Interpretation): It seems to me that the Article in its present form may be excluded from the Final Act, and I so move.

263. MR. DOBSON (U.K.): I should like to second that.

264. CHAIRMAN: It has been moved and seconded that Article XI be deleted from the Final Act.

265. Is there any comment by the delegations? I take it there are no objections, and we can delete Article XI and proceed with Article XII, which now becomes Article XI.

266. MR. CHANEY (Technical Secretary): (reading)

267. "The International Whaling Conference

RECOMMENDS:

268. "That if precise information becomes available concerning the migration routes and seasons in localities where shore stations are maintained and operated, specific annual open periods for whaling should be prescribed if necessary to conserve and develop whale stocks. It is the view of the Conference that the International Whaling Commission should endeavor to obtain at the earliest possible time scientific information as a basis for prescribing specific seasons during which shore stations shall be permitted to operate in the various areas."

270. MR. FLORY (U.S.): With a view to clarifying this recommendation, may I suggest inserting in line 5 after "whale stocks" the words, "instead of the regulation included in the Schedule as paragraph X."

271. CHAIRMAN: Dr. Gabrielson.

272. MR. GABRIELSON (U.S.): I think that if you change that "if" in the first line to "when" it would more precisely convey the intent of the paragraph.

273. CHAIRMAN: Substitute "when" for "if"?

274. Mr. Thomson.

275. MR. THOMSON (U.K.): Mr. Chairman, three small amendments, just of wording: At the end of line 2, "shore" should be "land"; and the same thing at the end of line 8. Then, in line 6, "International Whaling" should come out before "Commission".

276. MR. ANDERSON (Australia): Mr. Chairman.

277. CHAIRMAN: Mr. Anderson.

278. MR. ANDERSON (Australia): Although the word actually suits Australia, I think the word "precise" information would mean this would never be put into practice at all. I hope Mr. Thomson doesn't take me up on this.

279. CHAIRMAN: Well, would "accurate" suit you?

280. MR. GABRIELSON (U.S.): "Adequate".

281. CHAIRMAN: Is "adequate" acceptable?

282. MR. ANDERSON (Australia): "Adequate" is acceptable.

283. MR. GABRIELSON (U.S.): As long as you are still talking about it, I think instead of "develop whale stocks" "increase whale stocks".

284. CHAIRMAN: All right.

285. MR. ANDERSON (Australia): Mr. Chairman, I think that this interposition of "instead of the regulation included in the Schedule as paragraph 10" is in the wrong place because we are going to increase and develop the regulation. I think that if Mr. Thomson could get that clear technology onto this, we might be right.

286. CHAIRMAN: Mr. Flory.

287. MR. FLORY (U.S.): In line with Mr. Anderson's comments, I suggest the fourth line should read "periods for whaling should be prescribed", then insert the new material "instead of the regulation included in the Schedule as paragraph 10."

288. Delete the remainder of that sentence reading "if necessary to conserve and increase whale stocks". Those two lines will now read: "periods for whaling should be prescribed, instead of the regulation included in the Schedule as paragraph 10", following that with "It is the view of the Conference ..."

289. CHAIRMAN: Let's have the revised wording.

290. MR. CHANEY (Technical Secretary): "That when adequate information becomes available concerning the migration routes and seasons in localities where land stations are maintained and operated, specific annual open periods for whaling should be prescribed instead of the regulation included in the Schedule as paragraph 10. It is the view of the Conference that the Commission should endeavor to obtain at the earliest possible time scientific information as a basis for prescribing specific seasons during which land stations shall be permitted to operate in the various areas."

291. MR. FLORY (U.S.): I move the adoption of Article XI as amended.

292. MR. CLAUDEL (France): I second it.

293. CHAIRMAN: Were there any further comments by the delegations? I take it that the delegations approve of the wording as amended for recommendation XI and that we can now proceed with recommendation XIII which is marked XIII.

294. Mr. Chaney.

295. MR. CHANEY (Technical Secretary): "The International Whaling Conference

RECOMMENDS:

296. "That the Commission consider, in pursuance of Article V, 1 (c) of the Convention, the adoption of any of the following alternatives:

297. (a) Reopen or alter either wholly or in part any area closed by paragraphs 4 and 5 of the Schedule to the operation of factory ships and whale catchers attached thereto when it finds after investigation that such action is necessary;

298. (b) Forbid whaling for one or more years in any Antarctic area shown by the statistics of the catch to be depleted;

299. (c) Close to whaling Antarctic areas in rotation; and

300. (d) Close to whaling such portion or portions of an area or areas shown by investigation to be frequented by whales for calving."

301. CHAIRMAN: Dr. Mackintosh.

302. MR. MACKINTOSH (U.K.): Mr. Chairman, subparagraph (b) reads "shown by the statistics of the catch to be depleted". Should we not use some such words as "adequate evidence"? There may be other evidence which cannot necessarily be described as statistics of the catch.

303. CHAIRMAN: Very good, Dr. Mackintosh.

304. MR. CHANEY (Technical Secretary): How about "adequate information" corresponding with previous use in the previous paragraph?

305. CHAIRMAN: In XI?

306. MR. MACKINTOSH (U.K.): I think that will be all right as long as it doesn't actually confine it to statistics.

307. CHAIRMAN: Then subparagraph (b) will read "Forbid whaling for one or more years in any Antarctic area shown by adequate information to be depleted."

308. Mr. van Dijk.

309. MR. VAN DIJK (Netherlands): Mr. Chariman, I don't see why it is necessary to accept a recommendation like this because I think it is rather difficult to formulate just now the exact task of the Commission on these points. I think it better that we don't give any directions to the Commission.

The Commission should have the opportunity to look over all the alternatives.

310. CHAIRMAN: Thank you, Mr. van Dijk.

311. I may say that this matter was included because at the 1938 meeting, as I recall, the then Chairman of the Conference, Mr. Maurice, suggested these possible alternatives for consideration with respect to sanctuaries. He enumerated these items as ones that should be considered in any designation of a sanctuary.

312. Mr. Powles.

313. MR. POWLES (New Zealand): I would like to say that I agree with Mr. van Dijk. It seems to me that there may possibly be other methods which the Commission might consider. In any case considerable attention might have to be paid to the drafting of this clause. For instance, "the adoption of any of the following alternatives", as spoken of means probably any one or more of the following alternatives. One notices that in subparagraph (a) action is recommended when the Commission finds out after investigation that it is necessary, and yet that qualification does not apply to Article (b), (c), and (d). I feel too that there is a considerable degree of overlap between the various different types of action that are recommended to the Commission. For instance, there is not a very great deal of difference between Article (b) which forbids whaling for one or more years in areas shown to be depleted and Article (c) which says "closed to whaling Antarctic areas in rotation". There is very little difference between those two. Further I think that Article (a) covers the whole thing. I have very grave doubts whether it will assist the Commission at all if this is left in our Final Act.

314. CHAIRMAN: Thank you, Mr. Powles.

315. Mr. Flory.

316. MR. FLORY (U.S.): In view of the suggestions of Mr. van Dijk and of Mr. Powles the American Delegation moves the withdrawal of this Article.

317. CHAIRMAN: Thank you, Dr. Flory.

318. Mr. Anderson.

319. MR. ANDERSON (Australia): I second.

320. CHAIRMAN: Seconded by Mr. Anderson. Any suggestions? I take it that the Conference is willing that XII be deleted from the Final Act. We can now proceed with Article XIV, which has been corrected to XII.

321. MR. CHANEY (Technical Secretary): The Conference considered a proposal by the Delegation of the United Kingdom that the Contracting Governments should prohibit the sale, charter, transfer, loan or delivery of vessels, equipment or

supplies designed especially for whaling operations, or known to be intended for such operations, to any government or any person operating under the jurisdiction of any government not a party to the Whaling Agreement of 1937. The Conference, however, was unable, owing to uncertainty as to the necessary legislative powers in the various countries, to include these provisions in the Convention, but recognizing the desirability of such a prohibition recommends:

322. That the various Governments should take all practicable steps to prohibit the sale, charter, transfer, loan or delivery of vessels, equipment or supplies designed especially for whaling operations or known to be intended for such operations, to any Government or any person operating under the jurisdiction of any Government not a party to the Convention annexed to this Final Act.

323. The Conference also recommends:

324. That the various Governments should take all practicable steps to prohibit the import into territory under the jurisdiction of any of the Contracting Governments of whale oil or other products produced under the flag of any non-Contracting Government.

325. MR. DOBSON (U.K.): Mr. Chairman, could we take these two separately, the first two paragraphs of Article XII and then "the Conference also recommends that" as a separate item. I think one has to make a separate explanation about this.

326. I am not sure that Article XII, that is, the first two paragraphs on page 14, have been included in the Final Act, after a discussion by an appropriate subcommittee. I did discuss this matter with you, Mr. Chairman. I gathered there were certain difficulties in the minds of the United States Delegation. But I would like to point out for the benefit of the Conference that the wording of the first paragraph of Article XII and the paragraph which commences "RECOMMENDS" are almost identical with certain similar paragraphs which were included in the Final Act of the 1945 protocol. They were then put forward, I think, by the U.S.A. Delegation. The British Delegation were not able to accept them at the time because it would have committed the British Government to a certain amount of legislation which we had no authority to do.

327. Now, the same thing arises still. We have a certain amount of legislation but not enough to have suggested, as I should otherwise have done, that this proposal went into the Convention itself. But it is a recommendation. Some countries have full powers; we only have partial powers. I hope, therefore, that, as this was in before in the 1945 protocol, the Conference will allow it to go in to this Final

Act as a recommendation. I'm only referring at the moment, Mr. Chairman, to the first two paragraphs on page 14. I think the rest should have been put under a separate article, and I will have a word to say about that in a moment if you will kindly take those first two separately.

328. CHAIRMAN: Thank you, Mr. Dobson. Dr. Flory.

329. MR. FLORY (U.S.): Mr. Dobson's very able statement has made it rather difficult for the American Delegation to reply. However, the American Delegation's position on this question, I believe, was made clear at previous sessions of this Conference and the comments of the American Delegation are equally applicable to all three paragraphs of this recommendation.

330. To review briefly, the American Delegation is of the opinion that the inclusion of the provisions of this proposal involving coercive economic measures are not appropriate in connection with a long-range conservation agreement.

331. Second, the measures suggested are not likely to be effective in preventing the taking of whales in a manner not in conformity with the provisions of the Convention.

332. Third, it appears that action taken pursuant to this recommendation may be contrary to some of the principles advocated by the United States in recent discussions on international trade policy.

333. Fourth, it appears that the taking of such measures by the United States indiscriminately would constitute a violation by the United States of trade agreements to which the United States is a party.

334. Fifth, the United States Delegation takes the view that the British Proposal is primarily a question of economic foreign policy rather than one of conservation to which, as I understand it, we are dedicated at this Conference.

335. The Department of State has, to the best of its efforts, operated in conformity with the recommendations contained in the Final Acts of previous agreements relating to the transfer of vessels and to the embargo of whaling supplies and equipment to countries not parties to the Whaling Agreements. However, in view of the foregoing considerations, the United States is unable at this time to give any assurance or to make any commitment of the nature suggested by the U. K.

336. I regret that, in the final stages of this Conference, the American Delegation is forced to make this firm statement, which is not in conformity with the general spirit of give and take which has characterized this Conference. However, the instructions of the American Delegation allow no latitude on this question.

337. CHAIRMAN: Thank you, Dr. Flory. Mr. Dobson.

338. MR. DOBSON (U.K.): Mr. Chairman, I'm very much obliged for this explanation. I'm sure the Conference will recognize a very frank statement by Dr. Flory. We shall understand the position of the United States.

339. After all, what we are putting in the Final Act is a recommendation. It must be readily recognized that some governments may not be willing or may not be able under their legislative arrangement to enforce what are here recommended; but I think, subject to anything any other of the delegates say, that the first two paragraphs on page 14, in spite of what Mr. Flory has said, might stand.

340. CHAIRMAN: Thank you, Mr. Dobson. Do we have a motion? Mr. Dobson.

341 MR. DOBSON (U.K.): I beg to move the inclusion of these first two paragraphs.

342. CHAIRMAN: Thank you, Mr. Dobson. Is there a second? Mr. Erichsen.

343. MR. ERICHSEN (Denmark): I second that motion.

344. CHAIRMAN: It has been moved and seconded that the first two paragraphs of Article XII be included in the Final Act. We will now poll the delegations. Argentina.

345. DELEGATE OF ARGENTINA: No.

346. CHAIRMAN: Argentina, no. Australia.

347. DELEGATE OF AUSTRALIA: I have no special instructions.

348. CHAIRMAN: Australia, no instructions. Canada.

349. DELEGATE OF CANADA: No instructions.

350. CHAIRMAN: Canada, no instructions. Chile, not represented. Denmark.

351. DELEGATE OF DENMARK: Yes.

352. CHAIRMAN: Denmark, yes. France.

353. DELEGATE OF FRANCE: No instructions.

354. CHAIRMAN: France, no instructions. Netherlands.

355. DELEGATE OF NETHERLANDS: No.

356. CHAIRMAN: Netherlands, no. New Zealand.

357. DELEGATE OF NEW ZEALAND: Yes.

358. CHAIRMAN: New Zealand, yes. Norway.

359. DELEGATE OF NORWAY: Yes.

360. CHAIRMAN: Norway, yes. Peru.

361. DELEGATE OF PERU: No.

362. CHAIRMAN: Peru, no. U.S.S.R.

363. DELEGATE OF U.S.S.R.: We will give the answer later.

364. CHAIRMAN: We will pass it over for the moment. United Kingdom.

365. DELEGATE OF UNITED KINGDOM: Yes.

366. CHAIRMAN: United Kingdom, yes. The United States is absent.

367. MR. BELFRAGE (Sweden): The Swedish Delegation is only an observer delegation but it shares the point of view of the American Delegation.

368. CHAIRMAN: Thank you, Mr. Belfrage. Mr. Bogdanov.

369. MR. BOGDANOV (U.S.S.R.) (Interpretation): After the consideration of this question, the Soviet Delegation agrees with the Delegation of the U.S.A.

370. CHAIRMAN: That is "no". There are four yes, and four no. It looks like a tie vote.

371. MR. DOBSON (U.K.): Mr. Chairman, that is automatically solved by a failure to get a two-thirds vote. Therefore, these two paragraphs drop out.

372. Mr. Chairman, may I just deal with the next two paragraphs. They are nearly the same. I am afraid this recommendation has also crept into the Final Act without having been considered in any way by a Committee. I am sorry if that was my fault, but I think the only Committee who have looked at this is the Drafting Committee. Although I know our industry feel rather strongly about this--I am sorry Mr. Salvesen had to go away--I am not sure that it is very easy to see the implications here. In view of what has happened on the previous vote, I beg to move that we omit the next two paragraphs. That is "the Conference also recommends:" and then the paragraph.

373. CHAIRMAN: Thank you, Mr. Dobson. Is there a second for the deletion of the last paragraph under the present Article XII? Mr. Anderson.

374. MR. ANDERSON (Australia): I second it.

375. CHAIRMAN: It has been moved and seconded that the final paragraph also be deleted.

376. I will poll the delegations on the deletion.

377. CHAIRMAN: Argentina.

378. DELEGATE OF ARGENTINA: For the deletion.

379. CHAIRMAN: Australia.

380. DELEGATE OF AUSTRALIA: Yes.

381. CHAIRMAN: Canada.

382. DELEGATE OF CANADA: Yes.

383. CHAIRMAN: Chile is absent. Denmark.

384. DELEGATE OF DENMARK: For deletion.

385. CHAIRMAN: France.

386. DELEGATE OF FRANCE: No instructions.

387. CHAIRMAN: Netherlands.

388. DELEGATE OF NETHERLANDS: For deletion.

389. CHAIRMAN: New Zealand.

390. DELEGATE OF NEW ZEALAND: Yes.

391. CHAIRMAN: Norway.

392. DELEGATE OF NORWAY: Yes.

393. CHAIRMAN: Peru.

394. DELEGATE OF PERU: Yes.

395. CHAIRMAN: U.S.S.R.

396. DELEGATE OF U.S.S.R.: Yes.

397. CHAIRMAN: United Kingdom.

398. DELEGATE OF UNITED KINGDOM: Yes.

399. CHAIRMAN: United Kingdom, yes. The United States is still absent.

400. There is one country with no instructions and all the rest said "yes", with the U. S. absent. Mr. Chaney will now read the final paragraph.

401. MR. CHANEY (Technical Secretary): "IN WITNESS WHEREOF, the following representatives sign this Final Act.

402. "DONE in Washington, this second day of December 1945, in the English language, the original of which shall be

deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other governments represented at the Conference."

403. Then follows the names of the countries signing.

404. MR. DOBSON (U.K.): I beg to move the acceptance of the final paragraph.

405. CHAIRMAN: Is there a second?

406. MR. CLAUDEL (France): I second it.

407. CHAIRMAN: Are there any comments by any other delegation? I take it there are no comments, and that we can now proceed with the next matter. Mr. Dobson.

408. MR. DOBSON (U.K.): I think, and I hope anyhow, that I have a proposal to make which may resolve the matters at issue at this morning's session. I want to propose that there be added to this Final Act an Addendum which has been circulated around the table, which reads as follows:

409. "As a result of the discussion of certain matters raised at the Conference, the Netherlands Delegate invited the Conference to include in its Final Act a resolution in the following terms:

410. 'The Conference recommends that in the interest of effective conservation and development of whale stocks the governments represented at the Conference refrain from taking any measures which might prevent any country adhering to the principles of the Intnatational Whaling Agreements from ratifying or entering into the international regulations for the preservation of whale stocks.'"

411. That is the resolution that Mr. van Dijk circulated this morning.

412. Then we go on.

413. "This resolution was, however, defeated by nine votes to three, some delegates disagreeing with the substance of the resolution and others considering that it contained implications outside the purview of the Conference. At the express request of the Netherlands Delegate these facts are recorded in this addendum to the Final Act."

414. Mr. Chairman, I only have to add that somebody has invited me to say where this should appear. I thought it would appear immediately after the signatures, but I am informed by a member of the American Delegation that actually, as the list of scientific names is part of the Final Act, and this is an addendum, the proper place for it is right at the end after the list of whale species. I move this

addendum be accepted.

415. CHAIRMAN: Thank you, Mr. Dobson.

416. MR. POWLES (New Zealand): Mr. Chairman, I second the proposal.

417. CHAIRMAN: Thank you, Mr. Powles. It has been moved and seconded that we add this addendum after of scientific information which is part of the Final Act, and that the Conference accept the addendum.

418. Any comments?

419. If there are no objections, I take it that the Conference approves the inclusion of this addendum at the end of the Final Act.

420. MR. THOMSON (U.K.): Mr. Chairman.

421. CHAIRMAN: Mr. Thomson.

422. MR. THOMSON (U.K.): Mr. Chairman, there is one very small point before you actually put the Final Act up to the Conference. I think that the paragraphs would run more conveniently if they were in the following order: As they are up to Article VI; then Article IX; Article XI. Those three Articles, VI, IX and XI, all relate to matters which have been referred to the Commission. Then come Articles VII and VIII which relate to matters raised by the Delegation of the U.S.S.R. Then Article X, which relates to penalties, will end it.

423. CHAIRMAN: Thank you, Mr. Thomson.

424. Will this change in the order of the Articles meet with the approval of the Conference? It does not change the substance in any way; it just changes the order in which the Articles will appear in the Final Act.

425. I take it there is no objection, and we will now poll the Conference on acceptance of this Final Act and addendum as we have approved it by resolution.

426. Argentina.

427. DELEGATE OF ARGENTINA: Yes.

428. CHAIRMAN: Thank you.

429. Australia.

430. DELEGATE OF AUSTRALIA: Yes.

431. CHAIRMAN: Canada.

432. DELEGATE OF CANADA: Yes.

433. CHAIRMAN: Chile is not here.

434. Denmark.

435. DELEGATE OF DENMARK: Yes.

436. CHAIRMAN: France.

437. DELEGATE OF FRANCE: Yes.

438. CHAIRMAN: Netherlands.

439. DELEGATE OF NETHERLANDS: Yes.

440. CHAIRMAN: New Zealand.

441. DELEGATE OF NEW ZEALAND: Yes.

442. CHAIRMAN: Norway.

443. DELEGATE OF NORWAY: Yes.

444. CHAIRMAN: Peru.

445. DELEGATE OF PERU: Yes.

446. CHAIRMAN: U.S.S.R.

447. DELEGATE OF U.S.S.R.: Yes.

448. CHAIRMAN: United Kingdom.

449. DELEGATE OF UNITED KINGDOM: Yes.

450. CHAIRMAN: U. S.

451. DELEGATE OF U. S.: Yes.

452. CHAIRMAN: The Draft of the Final Act in its present form has been unanimously adopted by the Conference.

453. The Credentials Committee will meet at 11 a.m. Monday for a final report on the full powers of the various delegations.

454. At 11 a.m. on Monday; the plenary session on Monday will be open and will meet at 12:00 noon. We will then take up the definitive adoption of:

(1) the Rules of Procedure;
(2) the short-term protocol; and
(3) the long-term Convention.

This will be followed by signature of these documents, including the Final Act. I wish to repeat again that this session will be open to the public. It is the final signature of these various documents.

455. Mr. Dobson.

456. MR. DOBSON (U.K.): Mr. Chairman, I hate to expedite things unduly, but you know we had the time scheduled for these meetings sometimes at ten o'clock and started the meeting at half past eleven; and if those delays are going to occur on Monday, it is going to make the British miss our boat by about five minutes, and that would mean that we should have to wait another three days and possibly not get another passage at all. Would it be awfully inconvenient to put it forward, say, by an hour, and let us have the signatures starting at eleven o'clock, because there will be a certain amount to say.

457. CHAIRMAN: Then let me recommend that all of us meet here promptly for this final plenary session at 11 a.m.; which means that the Credentials Committee will meet at 10 a.m.; and, if we can all assemble here promptly at that time, I am sure that all of the delegates will make their boats--which seems to have been the most disturbing element in this whole Conference.

458. I now move that this session adjourn.

(Thereupon, at 6:18 p.m., the Conference adjourned until 11 a.m., Monday, December 2, 1946)

/s/ DONALD J. CHANEY,
TECHNICAL SECRETARY

- END -

RESTRICTED
IWC/65

December 2, 1946

INTERNATIONAL WHALING CONFERENCE · WASHINGTON, D.C. · 1946

MINUTES OF THE FIFTEENTH SESSION

TIME: Monday, December 2, 1946, 11:20 a.m.

PLACE: Main Conference Room

1. CHAIRMAN: Will the Conference please come to order.

2. I will now call upon the Chairman of the Credentials Committee for the Final Report of that Committee.

3. MR. POWLES (New Zealand): Mr. Chairman, this is the Final Report of the Committee on Credentials.

4. "The Committee on Credentials met for the third time on December 2, 1946, at 10 a.m., at the Conference Headquarters.

5. "The full powers of the following representatives of two of the prospective plenipotentiary delegations were examined and found to be in good order.

6. "Australia: F. F. Anderson, Director of Fisheries, Department of Commerce and Agriculture.

7. "Peru: Rear Admiral Carlos Rotalde.

8. "The Committee recommends to the Conference the acceptance of these full powers and the accordance to the representatives named in them of the full right of participation in the Conference as plenipotentiary delegates.

9. "The Committee also examined and found to be in good order the full powers to sign the Convention issued to Mr. Francis Lacoste, Minister Plenipotentiary of France, which powers were issued to him consequent upon the early departure of the French Delegation whose credentials had been previously approved by the Conference.

10. "The Committee also examined and found to be in good order the credentials of Mr. Henri Claudel to participate on behalf of France in the work of the Conference, in the absence of the French Delegation.

(16 pages)

11. The Committee examined also communications from the Embassies of Brazil and Norway, informing that full powers have been issued to the following representatives, and that said full powers will be deposited with the Government of the United States of America as soon as possible:

12. "BRAZIL: Paulo Fróes da Cruz.

13. "NORWAY: Birger Bergersen

14. "The Committee was informed by the Delegation of the Union of Soviet Socialist Republics that full powers would in due course be issued and deposited with the Government of the United States of America, but that the cable notification had up to the time of meeting not been received.

15. "The Committee recommends to the Conference the acceptance of these communications, and the provisional accordance to the representatives named, subject to the deposit of the full powers anticipated, of the full right of participation in the Conference as plenipotentiary delegates.

16. "The Committee reports that, upon acceptance by the Conference of these full powers and communications, and subject to the deposit of the full powers specifically referred to, the following fourteen delegations will have acquired the status of plenipotentiary delegations and will have fulfilled thereby the prerequisite to voting: Argentina, Australia, Brazil, Canada, Chile, Denmark, France, Netherlands, New Zealand, Norway, Peru, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and the United States of America."

17. That is the report, Mr. Chairman, and I move its adoption.

18. CHAIRMAN: Thank you, Mr. Powles.

19. You have heard the Final Report of the Committee on Credentials.

20. Is there a second to this motion?

21. MR. DOBSON (U.K.): United Kingdom seconds.

22. CHAIRMAN: Thank you, Mr. Dobson.

23. If there are no objections, the Final Report of the Committee on Credentials is adopted.

24. Now we come to the definitive adoption of the Rules of Procedure. The following delegations have now fulfilled the prerequisites for voting:

25. Argentina, Australia, Brazil, Canada, Chile, Denmark, France, Netherlands, New Zealand, Norway, Peru, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and the United States of America.

26. The majority of these plenipotentiary delegations are in attendance at this session. We therefore have a quorum under Article XIX of the Rules of Procedure. As you will remember, the Rules of Procedure were adopted provisionally at the opening session, and there should be definitive adoption of the Rules of Procedure.

27. Is there a motion to adopt the Rules of Procedure?

28. Mr. Flory.

29. MR. FLORY (U.S.): I move that the Conference adopt definitively the Rules of Procedure as set forth in IWC/2.

30. CHAIRMAN: Is there a second to this motion?

31. Mr. Edwards.

32. MR. EDWARDS (Chile): I second the motion.

33. CHAIRMAN: It has been moved and seconded that the Provisional Rules of Procedure be adopted definitively. When I request definitive approval of the documents that we have been considering the past few days, I shall poll the delegations which have been reported by the Credentials Committee as having plenipotentiary status. If there are no objections I will now poll the plenipotentiary delegations on the acceptance of the Rules of Procedure.

34. Argentina.

35. DELEGATE OF ARGENTINA: Yes.

36. CHAIRMAN: Australia.

37. DELEGATE OF AUSTRALIA: Yes.

38. CHAIRMAN: Brazil -- Absent.

39. CHAIRMAN: Canada.

40. DELEGATE OF CANADA: Yes.

41. CHAIRMAN: Chile.

42. DELEGATE OF CHILE: Yes.

43. CHAIRMAN: Denmark.

44. DELEGATE OF DENMARK: Yes.

45. CHAIRMAN: France.

46. DELEGATE OF FRANCE: Yes.

47. CHAIRMAN: Netherlands.

48. DELEGATE OF NETHERLANDS: Yes.

49. CHAIRMAN: New Zealand.

50. DELEGATE OF NEW ZEALAND: Yes.

51. CHAIRMAN: Norway.

52. DELEGATE OF NORWAY: Yes.

53. CHAIRMAN: Peru.

54. DELEGATE OF PERU: Yes.

55. CHAIRMAN: U.S.S.R.

56. DELEGATE OF U.S.S.R.: Yes.

57. CHAIRMAN: U.K.

58. DELEGATE OF U. K.: Yes.

59. CHAIRMAN: And U S.

60. DELEGATE OF U. S.: Yes.

61. CHAIRMAN: The Provisional Rules of Procedure are adopted definitively.

62. Next the definitive adoption of the Final Act and Addendum which was adopted provisionally at the Fourteenth Session. Is there a motion to adopt the Final Act definitively?

63. Mr. Flory.

64. MR. FLORY (U.S.): I move that the Conference adopt the Final Act of the International Whaling Conference and Addendum as set forth in IWC/64.

65. CHAIRMAN: Is there a second to this motion?

66. MR. DOBSON (U.K.): United Kingdom seconds.

67. CHAIRMAN: Thank you, Mr. Dobson.

68. It has been moved and seconded that we adopt definitively the Final Act and the Addendum. If there are no objections I will now poll the plenipotentiary delegations.

69. Argentina

70. DELEGATE OF ARGENTINA: Yes.

71. CHAIRMAN: Australia.

72. DELEGATE OF AUSTRALIA: Yes.

73. CHAIRMAN: Brazil--Absent.

74. CHAIRMAN: Canada.

75. DELEGATE OF CANADA: Yes.

76. CHAIRMAN: Chile.

77. DELEGATE OF CHILE: Yes.

78. CHAIRMAN: Denmark.

79. DELEGATE OF DENMARK: Yes.

80. CHAIRMAN: France.

81. DELEGATE OF FRANCE: Yes.

82. CHAIRMAN: Netherlands.

83. DELEGATE OF NETHERLANDS: Yes.

84. CHAIRMAN: New Zealand.

85. DELEGATE OF NEW ZEALAND: Yes.

86. CHAIRMAN: Norway.

87. DELEGATE OF NORWAY: Yes.

88. CHAIRMAN: Peru.

89. DELEGATE OF PERU: Yes.

90. CHAIRMAN: U.S.S.R.

91. DELEGATE OF U.S.S.R.: Yes.

92. CHAIRMAN: U.K.

93. DELEGATE OF U.K. Yes.

94. CHAIRMAN: U.S.

95. DELEGATE OF U.S.: Yes.

96. CHAIRMAN: The Final Act is adopted definitively.

97. Now, we come to the definitive adoption of the Convention. The Convention was provisionally adopted at the Twelfth Session. Is there a motion to adopt it definitively?

98. Mr. Flory.

99. MR. FLORY (U.S.): I move that the Conference adopt the International Convention for the Regulation of Whaling as set forth in IWC/64.

100. CHAIRMAN: Do I have a second to this motion?

101. Mr. van Dijk.

102. MR. VAN DIJK (Netherlands): I second.

103. CHAIRMAN: It has been moved and seconded that the Conference adopt the International Convention for the Regulation of Whaling definitively.

104. If there is no objection we will now proceed with the definitive adoption of the Convention, and I will poll the plenipotentiary delegations.

105. Argentina.

106. DELEGATE OF ARGENTINA: Yes.

107. CHAIRMAN: Australia.

108. DELEGATE OF AUSTRALIA: Yes.

109. CHAIRMAN: Brazil is absent.

110. CHAIRMAN: Canada.

111. DELEGATE OF CANADA: Yes.

112. CHAIRMAN: Denmark.

113. DELEGATE OF DENMARK: Yes.

114. CHAIRMAN: France.

115. DELEGATE OF FRANCE: Yes.

116. CHAIRMAN: Netherlands.

117. DELEGATE OF NETHERLANDS: Yes.

118. CHAIRMAN: New Zealand.

119. DELEGATE OF NEW ZEALAND: Yes.

120. CHAIRMAN: Norway.

121. DELEGATE OF NORWAY: Yes.

122. CHAIRMAN: Peru.

123. DELEGATE OF PERU: Yes.

124. CHAIRMAN: U.S.S.R.

125. DELEGATE OF U.S.S.R.: Yes.

126. CHAIRMAN: United Kingdom.

127. DELEGATE OF U.K.: Yes.

128. CHAIRMAN: United States.

129. DELEGATE OF U.S.: Yes.

130. CHAIRMAN: We come now to the definitive adoption of the Protocol for the Regulation of Whaling which was provisionally adopted at the Twelfth Session.

131. Is there a motion to adopt the Protocol definitively?

132. Mr. Flory.

133. MR. FLORY (U.S.): I move that the Conference adopt the Protocol for the Regulation of Whaling as set forth in IWC/64.

134. CHAIRMAN: Thank you, Mr. Flory.

135. Is there a second to this motion?

136. MR. DOBSON (U.K.): United Kingdom seconds.

137. CHAIRMAN: Seconded by Mr. Dobson of the United Kingdom. If there is no objection, I will now poll the plenipotentiary delegations on the adoption of the Convention.

138. Argentina.

139. DELEGATE OF ARGENTINA: Yes.

140. CHAIRMAN: Australia.

141. DELEGATE OF AUSTRALIA: Yes.

142. CHAIRMAN: Brazil is still absent. Canada.

143. DELEGATE OF CANADA: Yes.

144. CHAIRMAN: Chile.

145. DELEGATE OF CHILE: Yes.

146. CHAIRMAN: Denmark.

147. DELEGATE OF DENMARK: Yes.

148. CHAIRMAN: France.

149. DELEGATE OF FRANCE: Yes.

150. CHAIRMAN: Netherlands.

151. DELEGATE OF THE NETHERLANDS: Yes.

152. CHAIRMAN: New Zealand.

153. DELEGATE OF NEW ZEALAND: Yes.

154. CHAIRMAN: Norway.

155. DELEGATE OF NORWAY: Yes.

156. CHAIRMAN: Peru.

157. DELEGATE OF PERU: Yes.

158. CHAIRMAN: U.S.S.R.

159. DELEGATE OF U.S.S.R.: Yes.

160. CHAIRMAN: United Kingdom.

161. DELEGATE OF UNITED KINGDOM: Yes.

162. CHAIRMAN: United States.

163. DELEGATE OF UNITED STATES: Yes.

164. CHAIRMAN: The Convention is now adopted definitively.

165. We will now proceed to the signing of the final documents. Mr. Charles I. Bevans, Treaty Adviser, will preside at the signing ceremonies, assisted by Mr. William Breese.

166. MR. BEVANS (Treaty Adviser): I think you all have read Administrative Memorandum no. 8, covering the signing of the final documents -- the Final Act, the Convention, and the Protocol. They will be signed in that order. Mr. Breese, my colleague, will call the names of each country in alphabetical order. All members of the delegations expected to sign any one or all of the three documents will then proceed to the Chairman's table. I shall then announce the name of each signer, beginning with the Chairman of the delegation.

167. The procedure at the signing table will be as follows: I shall call the name of each signer in order, beginning with the Chairman, who will be seated immediately. The remaining members of the delegation will stand in line behind the Chairman in order of rank from right to left.

facing the signing table. The official photographer will take a picture of the scene while the Chairman of each delegation is signing the Convention. The foregoing will be repeated for each signature by a plenipotentiary delegate. It is requested that plenipotentiary delegates rejoin their delegations behind the signing table until all the plenipotentiary delegates of that country have signed. It will not be necessary for plenipotentiary delegates to remain at the table while the other members of their delegation sign the Final Act. Plenipotentiary delegates will sign the Convention and Protocol. Other members of delegations, along with the plenipotentiary delegates, will sign the Final Act. My colleague, Mr. Breese, will call the names of the countries.

168. MR. BREESE (Special Assistant): Argentina.

169. MR. BEVANS (Treaty Adviser): Ambassador Ivanissevich, Plenipotentiary Delegate of Argentina, signing for Argentina.

170. Mr. Moneta, Plenipotentiary Delegate for Argentina.

171. Commander Brown, Plenipotentiary Delegate signing for Argentina.

172. Mr. Bruno, Plenipotentiary Delegate signing for Argentina.

173. MR. BREESE (Special Assistant): Australia.

174. MR. BEVANS (Treaty Adviser): Mr. Anderson, Plenipotentiary Delegate of Australia, signing for Australia.

175. Mr. Setter signing the Final Act.

176. MR. BREESE (Special Assistant): Brazil (no response).

177. Canada.

178. MR. BEVANS (Treaty Adviser): Mr. Harry A. Scott, Plenipotentiary Delegate of Canada, signing for Canada.

179. MR. BREESE (Special Assistant): Chile.

180. MR. BEVANS (Treaty Adviser): Mr. Agustin R. Edwards, Plenipotentiary Delegate of Chile, signing for Chile.

181. MR. BREESE (Special Assistant): Denmark.

182. MR. BEVANS (Treaty Adviser): Mr. P. F. Erichsen, Plenipotentiary Delegate of Denmark, signing for Denmark.

183. MR. BREESE (Special Assistant): France.

184. MR. BEVANS (Treaty Adviser): Mr. Francis Lacoste, Plenipotentiary Delegate of France, signing for France, and Mr. Henri Claudel, signing the Final Act for France.

185. MR. BREESE (Special Assistant): Netherlands.

186. MR. BEVANS (Treaty Adviser): Mr. D. J. van Dijk, Plenipotentiary Delegate of The Netherlands, signing for the Netherlands. Mr. H. S. Drost and Mr. G. G. H. von Felde, signing the Final Act for The Netherlands.

187. MR. BREESE (Special Assistant): New Zealand.

188. MR. BEVANS (Treaty Adviser): Mr. G. R. Powles, Plenipotentiary Delegate of New Zealand, signing for New Zealand. Mr. Roger Hawthorne signing the Final Act for New Zealand

189. MR. BREESE (Special Assistant): Norway.

190. MR. BEVANS (Treaty Adviser): Mr. Birger Bergersen, Plenipotentiary Delegate of Norway, signing for Norway, Mr. Knut Lykke signing the Final Act for Norway; Mr. H. T. Knudtzon signing the Final Act for Norway; Mr. V. Voss signing the Final Act for Norway; Mr. J. T. Rudd signing the Final Act for Norway; Mr. H. W. Sörensen signing the Final Act for Norway; and Mr. H. B. Paulsen signing the Final Act for Norway.

191. MR. BREESE (Special Assistant): Peru.

192. MR. BEVANS (Treaty Adviser): Admiral Rotalde, Plenipotentiary Delegate, will sign for Peru.

193. MR. BREESE (Special Assistant): Union of Soviet Socialist Republics.

194. MR. BEVANS (Treaty Adviser): Mr. Bogdanov, Plenipotentiary Delegate of the Union of Soviet Socialist Republics, signing the Final Act.

195. Mr. Nikishin, Plenipotentiary Delegate of the Union of Soviet Socialist Republics, signing the Final Act.

196. Mr. Tverianovich, Plenipotentiary Delegate of the Union of Soviet Socialist Republics, signing the Final Act.

197. MR. BREESE (Special Assistant): United Kingdom.

198. MR. BEVANS (Treaty Adviser): Mr. Dobson, Plenipotentiary Delegate of the United Kingdom, signing for the United Kingdom.

199. Mr. Thomson, Plenipotentiary Delegate of the United Kingdom, signing for the United Kingdom.

200. Mr. Mackintosh signing the Final Act for the United Kingdom.

201. Mr. Cross signing the Final Act for the United Kingdom.

202. Mr. Knowles signing the Final Act for the United Kingdom.

203. Mr. Hutton signing the Final Act for the United Kingdom.

204. Mr. Best signing the Final Act for the United Kingdom and

205. Mr. Geolot signing the Final Act for the United Kingdom.

206. MR. BREESE (Special Assistant): United States of America.

207. MR. BEVANS (Treaty Adviser): Mr. Kellogg, Plenipotentiary Delegate of the United States, signing for the United States.

208. Mr. Gabrielson, Plenipotentiary Delegate of the United States, signing for the United States.

209. Mr. Flory, Plenipotentiary Delegate of the United States, signing for the United States.

210. Mr. Deason signing the Final Act for the United States.

211. Mr. Hayes--Absent.

212. Mr. Lund--Absent.

213. Captain Moore signing the Final Act for the United States.

214. Mr. Rossiter--Absent.

215. MR. BEVANS (Treaty Adviser): The observer delegations are invited to sign the Final Act, and my colleague, Mr. Breese, will call the names of their countries.

216. MR. BREESE (Special Assistant): Iceland.

217. MR. BEVANS (Treaty Adviser): Mr. Bjornsson signing the Final Act as an observer for Iceland.

218. MR. BREESE (Special Assistant): Ireland.

219. MR. BEVANS (Treaty Adviser): Mr. Commins signing the Final Act as an observer for Ireland.

220. MR. BREESE (Special Assistant): Portugal--Absent.

221. MR. BREESE (Special Assistant): Sweden.

222. MR. BEVANS (Treaty Adviser): Mr. Belfrage signing the Final Act as an observer for Sweden.

223. Mr. Virgin signing the Final Act as an observer for Sweden.

224. MR. BREESE (Special Assistant): Union of South Africa.

225. MR. BEVANS (Treaty Adviser): Mr. Smit signing the Final Act as an observer for the Union of South Africa.

226. The plenipotentiary and observer delegations having completed their signatures of the Final Act, I will now call on Mr. Clarke Willard, Secretary General of the Conference, to sign the Final Act.

227. The Final Act having been signed, we will now place the seal on it.

228. The Final Act has now been sealed with the seal of the Whaling Conference. Thank you.

229. CHAIRMAN: Permit me in the name of the American Delegation to express our appreciation of the whole-hearted cooperation that we have received from the delegations of the nations represented at this Conference. I ask your indulgence for whatever mistakes I have made as your Chairman at this Conference.

230. The Committees have worked long and diligently, and I may say at unreasonable hours, and consequently the members have seen less of Washington than they would have under normal conditions. The satisfaction of having done an excellent job on the matters referred to them and of seeing the results of their efforts incorporated in an international agreement, are the only rewards we can confer on them. Whatever success this Conference has achieved has been in a large measure attributable to the reports brought to this Conference by the Chairmen and members of these committees.

231. To Mr. Thomson, Chairman of the Drafting Committee, we wish especially to convey our thanks for the clear and precise wording of the final documents.

232. The delegates may take their individual name signs with them as souvenirs of the Conference if they so desire.

233. I have been asked to remind you that the additional sets of Whaling Conference documents, which each delegation requested at the beginning of the Conference, will be available at the Documents Distribution Desk at the close of this meeting.

234. The minutes of this meeting will be available by tomorrow morning, and, if not picked up before your departure from Washington, will be delivered to the respective Embassies, so that they may be forwarded to you.

235. Mr. Dobson.

236. MR. DOBSON (U.K.): It is always said of my family that we never stop talking. I hope, however, in spite of the numberous times on which I have intervened in this Conference, I may be allowed for the last time to say a few words which I do very sincerely.

237. I feel sure that we must all be extremely gratified that we have reached a conclusion on this extraordinarily important problem. I don't deny that there have been some difficult corners to get around. Certain subjects like the future of the Whaling Commission presented problems, and I may here just say that it is the earnest wish of his Majesty's Government that this Commission should at some future date be associated or affiliated with the United Nations Organization. That is all I will say about the subject matter of the Conference.

238. Mr. Chairman, in spite of the words that are included in the Final Act which indicate our thanks to various people, I would like to say, and I feel sure the entire Conference will agree with me, that the success of this Conference has been in the greatest measure due to the outstanding manner in which you, Mr. Chairman, have presided and steered it out of its difficulties. We are intensely grateful to you for all you have done.

239. Perhaps I may just be allowed to mention also the name of Dr. Gabrielson. He is, after all, our Vice Chaifman, and, although he has not been called upon to act, he has at least stood stoutly among what the Romans called the Triarii.

240. Now I come to the American Delegation. I think they raalize how very much we personally appreciate the kindness they have shown to us, the British Delegation, but they have rendered a very great service in getting this Conference to a happy conclusion. I particularly refer to Mr. Flory, Mr. Deason, Mr. Moore, Mr. Bevans, and Mr. Vallance. We also wish to express, on behalf, I hope of the whole Conference, our appreciation of the services rendered by Mr. Secretary General Willard and the Technical Secretary, Mr. Chaney, who must have found us extremely aggravating at times when we were trying to get the reports of our committees in the hands of the Conference at one.

241. Last but not least, Mr. Chairman, I think the Conference would like to express their appreciation of the services rendered by all the ladies who have been attached

to this Conference. By their charm and courtesy, they have introduced an atmosphere of what I might call, almost glamour, and I should like to include among the ladies, the very charming interpretress, I think that is the proper term to use, who is attached to the U.S.S.R. Delegation.

242. Well, now, Mr. Chairman, speaking finally on behalf of the British Delegation, I would like all the leaders of the other delegations to realize how very much we are in their debt. If I may mention one or two names, I would single out Mr. Minister Bergersen and Mr. van Dijk, who have throughout the Conference shown a very great spirit of cooperation. And, above all, we are very glad to welcome as new members of the whaling club some of the countries who have not joined before, and especially may I mention here, the U.S.S.R., whose Delegation has very much endeared itself to the other members of the Conference.

243. I am afraid I am now going to trespass on the kindness of the Conference, but I would like it placed on record, my personal appreciation of the great service rendered to the Conference, and to me, by the other members of the British Delegation. Mr. Thomson, whom you have already referred to, has made an outstanding contribution in guiding the Drafting Committee. Mr. Mackintosh has kept us right on all biological matters. But there are three other members who have taken an active part in the Conference, and we worked them pretty hard--Mr. Best, Mr. Geolot, and Mr. Cross. They have also taken a great deal of trouble to look after our comfort. I am afraid we have been rather a nuisance to the American Delegation in our attempt to get off to England at a reasonably early date.

244. Mr. Thomson and I are lifelong friends, and I am afraid this may be our last appearance, although I still have hopes we may be called upon to act again, if Mr. Erichsen can get over the difficulty of who is to pay our expenses.

245. Mr. Chairman, thank you very cordially for your kind remarks. (Applause)

246. CHAIRMAN: Thank you, Mr. Dobson. We of the American Delegation are deeply appreciative of your kind words, which may or may not be merited.

247. Mr. Bogdanov.

248. MR. BOGDANOV (U.S.S.R.) (Interpretation): Mr. Chairman and delegates. The Delegation of the U.S.S.R. expresses its deep appreciation and gratitude to the Government of the U.S.A. for the initiative in convening this Conference; to you, personally, Mr. Chairman, for the splendid guiding of this Conference; and to all the present delegates for their friendly cooperation.

249. We feel sure that further activities in the field of the International Regulation of Whaling will be conducted in the atmosphere of friendly understanding which has been reached at the present Conference.

250. CHAIRMAN: Thank you, Mr. Bogdanov.

251. Professor Bergersen.

252. MR. BERGERSEN (Norway): Well, Mr. Chairman, I wish to say that I agree with every word which Dobson said. On behalf of the Norwegian Delegation, I wish to express our very, very, deep appreciation of the splendid work which has been done by you and your Delegation, and we wish once again--I have done it before, to thank you, Mr. Kellogg, for your very, very, splendid work.

253. CHAIRMAN: Thank you, Professor Bergersen.

254. Mr. van Dijk.

255. MR. VAN DIJK (Netherlands): On behalf of the Netherlands Delegation, may I express the deepest thanks for all, you, Mr. Chairman, have done in order for the success of this Conference. We hope that the situation amidst the whales themselves may be as pleasant as the situation has been in this Conference.

256. Mr. Chairman, the United States Delegation has given us many pleasant trips; I think now about the Mt. Vernon trip, which gave us the possibility to have a certain rest and to think the question over.

257. Mr. Chairman, again, I express my great thanks for your guidance and for everything the U. S. Delegation has done.

258. CHAIRMAN: Thank you, Mr. van Dijk.

259. MR. LACOSTE (France): Mr. Chairman.

260. CHAIRMAN: Mr. Lacoste.

261. MR. LACOSTE (France): Mr. Chairman, I am speaking on behalf of an absentee Delegation, since all the members of the French Delegation who followed the work of this Conference had to leave before they could attend this final meeting. But before Mr. Anziani departed, he left a testament with me, and that was to express his very deep thanks to you, Mr. Chairman, and to the American Government for the welcome he, together with the other members of the French Delegation, received here, and to congratulate you on the whale of a success this Conference has been.

262. CHAIRMAN: I am afraid these remarks are rather embarrassing to me personally, but I certainly appreciate them, nevertheless. I will, therefore, now entertain a motion to adjourn.

263. Mr. Dobson.

264. MR. DOBSON (U.K.): I beg to move the Conference now adjourn.

265. CHAIRMAN: The Conference is adjourned. Thank you all very much.

266. (The Conference adjourned at 12:21 p.m.)

DONALD J. CHANEY
Technical Secretary

- END -