

INTERNATIONAL WHALING COMMISSION

FIFTH MEETING

Monday, 22nd June, 1953

In the Chair: Dr. Remington Kellogg (United States)

The CHAIRMAN: The Fifth Meeting of the International Whaling Commission is now convened.

On behalf of the Commission, I extend to all Commissioners, advisers, consultants, experts and guests a hearty welcome.

I now have the honour of introducing Mr. Nugent, Joint Parliamentary Secretary to the Ministry of Agriculture and Fisheries.

Mr. G.R.H. NUGENT: Mr. Chairman, Your Excellencies, Ladies and Gentlemen, I feel it is a great privilege that I should have the pleasure once again of welcoming your Conference to London, especially as this is the first time that many of you will have been into this new building of ours, and have come to sit in our new conference room. I hope that you will find it comfortable and inspiring to your labours, during the few days that you are here.

I hope, also, that as well as your Conference you will find time to enjoy yourselves while you are in our capital City. We have just finished our Coronation celebrations, but you will still find quite a lot of us in a festive mood, and I am sure all will give a warm welcome to you gentlemen, our distinguished visitors from other countries.

A week ago we were taking part in the great Naval Review at Spithead, where the ships of the Royal Navy and our Merchant Navy were drawn up to take their part in the Coronation celebrations for the crowning of our Queen. It was a most wonderful review. I know that you, Mr. Chairman, did not have any chance of seeing it, but I hope that some of you gentlemen may have been here early enough to have been guests at that review. It was a most impressive sight.

We, as Englishmen, all felt proud of the heritage we have as a great seafaring nation. Our consciousness of that heritage has been revived by this great event. We felt especial gratitude to the men who serve the community here and throughout the world in meeting the perils of the sea in their everyday lives in order to maintain the supply and safety of the fifty million who live in these islands.

I am bound to say, for my own part, that while I was a guest there I discovered that there were perils of the sea besides the waves that beat on the outside of the ship; certain liquids that flowed inside as well involved one in considerable peril.

It was a wonderful day, and it was a wonderful sight to see for in addition to all our own warships there were the warships of some sixteen nations, and visiting warships from some five members of the Commonwealth as well. It did make me feel that you gentlemen who take part in the great business of the whaling industry all over the world, and the representatives of other nations who came to pay this gracious compliment to our young Queen, in bringing their warships to take part in the Review, have a great fellowship of the sea; that men of every nation who take part in this hazardous life have got a great, common interest in the calling that they follow. I feel, as I felt then, that you, Mr. Chairman, with this International Whaling Commission, which is still to my mind one of the minor miracles of human achievement - perhaps I might call it one of the major miracles, to get such a large number of nations to come together and agree to do the same thing - you are here expressing in a very practical way the common fellowship of the sea, which I believe is a fact throughout the world.

You have been ready to recognise, you who represent so many nations, that you have got a common interest in this whaling industry, and unless you club together in the way you have to restrain your catching power, you will have no chance at all of maintaining the industry today, and not the slightest prospect of having a whaling industry in the future at all.

I know nothing except the layman's view of the whaling business, although I should say I was fascinated and informed by seeing that wonderful film last year that the Russian Ambassador showed us of the whaling trip of the Slava. It was most informative to the layman. But I reckon the catching power you have today in the whaling industry must be something that our grandfathers, a hundred years ago, never dreamed of. I suppose, that with the modern factory ship, the high speed catchers, the spotter aeroplanes and the sounding device for hearing whales, and, perhaps, the additional help of the electric harpoon, that all these things go together to give you a catching capacity, which, if you really released it and went to work, in one or two seasons would pretty well have exterminated the whale altogether. It does do you much credit that you have forestalled this calamity. It would be a calamity in more ways than one. Not only would you have exterminated the whales, but you would have knocked the bottom out of the whale oil prices as well.

I wish that your Convention may continue to flourish and to grow. There are still a few nations who are interested in the whaling industry who are not in this great club of yours with its seventeen Member nations. I do hope and pray that those nations will recognize the immense value of the work that you are doing, for unless this Convention is maintained and indeed increased, there just will not be a whaling industry for anybody. There will not be the living it gives those who are interested in it. There will not be the whale oil supply for the hundreds of millions of people who depend on it.

Just one word on the work in which you, I know are interested, the work of conservation. It must be an immense problem to try and gather the necessary information to know how the whales live. Looking for a needle in a haystack is

nothing compared with studying the whale's behaviour in the oceans of the world. Although your collective knowledge and wisdom about the whale must be very great, I am sure you would be the first to admit that there is still much to be learnt, and until you really know all about the habits, the movements and the breeding of the whale, you cannot be sure that even your present restrictions are adequate safely to maintain the whaling stocks for all time. I wish you God speed in that particular work.

I know that you have got a long Agenda to get through, so I must not occupy more of your time. I am going to have the pleasure of receiving you on behalf of Her Majesty tomorrow evening for a cocktail party. I look forward with great pleasure to meeting you all in person then, and may I, in the meantime, leave you my best wishes for the success of your Conference, and I hope that you will be very comfortable here in our new premises.

The CHAIRMAN: We are indebted to you, Mr. Nugent, for your kind words of welcome, and for your thoughtful observations on the responsibilities of this Commission. We are also indebted to you and the Ministry of Agriculture and Fisheries for the facilities you have made available to us, and for the rather unusual co-operation you have given us during the year. I think I can say honestly, without any question, that this is one of the few Commissions that is operated with the whole-hearted co-operation of everybody, and at a minimum expense to the different Governments. If you can think of a commission that operates so inexpensively, I would like to know about it!

(Mr. Nugent withdrew from the Meeting, and the Chairman asked the Press to retire)

The Commission welcomes the observers from the Food and Agricultural Organization of the United Nations, and the International Council for the Exploration of the Sea.

Before proceeding with the Agenda, Mr. Dobson has a few words on the arrangements which he wishes to make.

The SECRETARY: Mr. Chairman, Gentlemen, there are just one or two points that I would like to make, which may help you while the Conference is going on. First of all, as you know, this is the new building of the Ministry of Agriculture, and it is somewhat of an experiment that we have asked you to meet in this conference room. I hope, therefore, that if there are any difficulties, acoustic difficulties or otherwise, you will not hesitate to let us know.

(The Secretary gave out notices concerning coffee and tea intervals and luncheon facilities, and drew attention to the W.V.S. Information Bureau in the lounge.)

With regard to papers, you can obtain any spare copies of papers you require by going to Mr. Jarvis. With the Agenda that was sent out over sixty days ago you had papers 2, 4, 5 and 6. Those were circulated with the Agenda. Subsequently we were able to send out papers 3 and 10. Now, in folders round the table, I think you will find that you have 1, 7, 8 and 9 and 11. You should have in your possession all the papers that have been duplicated up to the present time.

There is one final announcement about the cocktail party. As the Parliamentary Secretary notified you, there is a cocktail party tomorrow night at Lancaster House, for which you have received invitations. The guests will be received on behalf of Her Majesty by Mr. Nugent. I have in my hand an invitation, which also should have reached you, from His Excellency the Japanese Ambassador, who has very kindly invited us to a cocktail party at Grosvenor House on Wednesday 24th June.

The CHAIRMAN: At this point in our proceedings I suggest we introduce the members of all delegations. It may be helpful for some of you who have not been with us before.

(As each Delegate's name was called he rose and introduced himself)

The Commission may now proceed with the consideration of the Agenda. Although you received copies of this Agenda for the Fifth Meeting some time ago, may I now ask if any member of the Commission has any suggestions or objections or additions to make? If not, may I take it that the Agenda is approved, so we can proceed? Thank you.

With respect to the organization of the work of the Commission, the first matter to be considered is the membership of the standing Committees. Mr. Dobson will now read the membership as it stands. If there are any additions or withdrawals please make it known at this time.

The SECRETARY: Perhaps I may remind the Commission that the terms of reference of the Scientific Committee, which I deal with first, are as follows:

The SECRETARY: No one from South Africa. The United Kingdom?

Mr. WALL (United Kingdom): We would like Mr. Clarke to come with Dr. MacKintosh.

The SECRETARY: The U.S.A. does not wish to bring anyone, nor does the U.S.S.R.

May I just read you the terms of reference of the Technical Committee:

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

The Technical Committee consists of the following: Australia, Mr. Patterson; Canada, Mr. Clark; France, Mr. Martin; Japan, Mr. Maeda.

Dr. OMURA (Japan): I should like Japan to be represented by Mr. Hori instead of Mr. Maeda.

The SECRETARY: The Netherlands, Mr. Drost; Norway, Mr. Knudtson; Panama, Mr. Aleman; South Africa, Colonel Goulding; U.K., Mr. Wall with Mr. Leach, instead of Mr. Johns; U.S.A., Dr. Kask; U.S.S.R., Captain Solyanik. Mr. Patterson does not wish to bring anyone with him. Mr. Clark?

Mr. G.R. CLARK (Canada): I will probably bring Mr. Grandy.

The SECRETARY: Mr. Martin does not wish to <sup>bring anyone</sup> Mr. Drost brings Mr. de Wall. With Mr. Knudtson, Mr. Moe will be the deputy. Mr. Aleman will not bring anyone, nor Colonel Goulding. Dr. Kask would like to bring Dr. Kling, and the U.S.S.R., Mr. ~~THURKINOVICH~~, Mr. Salvesen and Mr. Elliot from the United Kingdom.

I now come to the Third Committee, which is the Finance and Administration Committee. The terms of reference are:

"To advise the Commission on expenditure, budgets, scale of contributions, financial regulations, staff questions, and such other matters as the Commission may refer to it from time to time."

I have to remind you that, in the case of the Finance Committee, the duty of appointing or nominating the Finance Committee rests with the Chairman. In order that you may know the precise position before the Chairman indicates his wishes

in the matter, I thought I would just give you the purport of this little table I have drawn up. In 1949, at the first meeting of the Commission, we did not have a Finance Committee, because we had to start de novo. We set up a Procedure Committee which consisted of Australia, Canada, France, Holland, Norway, U.K., U.S.A., U.S.S.R. It was that Procedure Committee which set the tune for all the further meetings of the Commission. In 1950 we had a Finance Committee consisting of Norway, Sweden, Holland, Canada, South Africa. At that meeting we revised the procedure and we set up a Finance Committee of three. In 1951 it was composed of Holland, Canada, Norway. In 1952 it consisted of the same three countries, Holland, Canada and Norway.

I thought it was proper that I should acquaint you of these facts, and above all should acquaint the Chairman of these facts in order that he might exercise his functions about appointing the Committee for this year, 1953. You will observe from the table I have given you that Canada has been represented on every Finance Committee since the Procedure Committee at the beginning, so has Holland and so has Norway.

The CHAIRMAN: In accordance with the Rules of Procedure, the Chairman will now appoint the following members to the Finance and Administration Committee: for the United Kingdom, Mr. Wall, for the Union of South Africa, Dr. Marchand, for France, Dr. Budker.

It is the responsibility of this Committee and any of the other Committees to elect a Chairman at the first meeting of these committees.

The next to be considered will be item 5. Financial statements have been placed before you, and the statements will now be referred to the Finance and Administration Committee for study, and such other matters as may subsequently be referred to this Committee.

In accordance with the procedure approved at the Fourth Meeting of the Commission, the following items on the Agenda will now be referred to the Standing Committee, with the consent of the various Commissioners, for study.

The recommendations of these Meetings will be submitted for consideration by the Commission at the plenary sessions.

To the Technical Committee it is suggested that under item 6 there are certain items which involve amendments to the Schedule. The first of these is (a) the Humpback Problem, (c) the blue whale season, and 8(c) of the Schedule which deals with the reporting of the catch. Is there any objection to referring this matter to the Technical Committee? Items 7 and 8 are reviews that will be presented at the Plenary session. Item 9, the Policy with regard to furnishing of vessels, equipment or supplies, intended for whaling operations, to non-contracting Governments or their nationals. It is suggested that this be referred to the Technical Committee. As regards 14, the Secretary has a word to say.

The SECRETARY: The Chairman very kindly has asked me to say a word about item 14, which although only three or four lines does represent an extraordinary amount of work, which has been done by the ad hoc Committee which you set up at the last meeting of the Commission for two purposes.

What I am going to say is all very fully set out in the document which accompanies this item, namely Document V. I would urge Members of the Commission to read that Document very carefully, because it does represent a great deal of meticulous work, in which the Committee were greatly indebted to Mr. Davis of the Ministry's Legal Department. He had a great deal of responsibility for the Committee reaching the conclusions they arrived at.

The Committee were asked to do two things. They were asked to set out what drafting amendments they considered necessary in the light of certain proposals which had been made at the last Commission Meeting by Mr. Johns, the then British Delegate. They have discharged their duties in recommending in Document V a considerable number of amendments to the Schedule, which are however drafting amendments and should not in any way be confused with the other amendments to the Schedule which the Chairman has briefly referred to in item 6 on the Agenda. Those are not drafting amendments.

The second duty the ad hoc Drafting Committee were asked to handle was the question of the rearrangement of the Schedule. It has been felt by many of the Commissioners that the Schedule could be greatly improved, that the various articles of it could be regrouped, which would make it very much simpler to be understood. The Committee have handled that matter, and they have submitted to you a re-draft of the Schedule. In that re-draft they have assumed that you will accept the drafting amendments which are set out at the beginning of their report. There is a document for you to consider. It could be done in a variety of ways; I think even the Sub-Committee had two or three ways of doing it but, as they were asked to produce an agreed document, they have submitted to you a revised Schedule (Appendix I) which contains absolutely nothing new. I want to make that quite clear. It contains nothing new except insofar as the drafting amendments are included.

They have regrouped the articles, they have altered cross references - naturally, this must occur with a regrouping - they have put in sub-heads and cross references which did not exist before. But otherwise that redraft of the Schedule is an honest attempt at producing something which the Committee believe will greatly simplify matters.

One further point I want to make, that is this. When it comes to the drafting amendments, each of those amendments has got to be accepted by this Commission and polled. I hope devoutly that they will not find any objections. Those drafting amendments were circulated over sixty days ago, and we have had no comments on them. But when it comes to the re-arranged Schedule, the ad hoc Committee very much hope that you will be prepared to accept that without any discussion.

They have given a great deal of time to this, and if this report of theirs is going to be seriously challenged - as, of course, it may be - then I am afraid the ad hoc Committee -- I speak without having consulted the Chairman -- would want to have some notice that their findings have been disagreed with. It looks to me that if the Committee had to come together again it would put the matter in the melting pot indefinitely.

Mr. Chairman, I have made these remarks because I was a member of the Committee and feel rather strongly about this. I am going to rely on Mr. Davis for saying a few comfortable words when he is available. Mr. Davis is a very learned lawyer and greatly to our satisfaction has given a great deal of time on this matter.

I have made these remarks with your permission because you will gather I am not hoping exactly that this Committee report will be referred to either of the larger Committees, on the basis of "if you keep a dog, why bark yourself?"

The CHAIRMAN: It seems to me that the appropriate procedure will be to have this item referred to the Plenary session, at such time as we will have the advantage of the wisdom of Mr. Davis; and if there are serious objections it can then be referred back to the ad hoc Committee for consideration. Let us hope, since it is not a change in substance but merely a formal arrangement, there will not be too much difficulty.

Mr. H. Th. KNUDTZON (Norway): As far as I understand, under item 14 of the Agenda, we have both Appendix I to the Document V and the re-arranged Schedule. I am very sorry to say that after carefully going through Appendix I I have found some mistakes we have made, some questions which should be deleted and some which ought to be changed.

I would move that this Appendix I be referred either to the Technical Committee or to a special Committee eventually going again through this ad hoc Committee.

The CHAIRMAN: The ad hoc Committee as a body are really part of the Technical Committee. Individually, the Members are all in the Technical Committee.

Mr. H. Th. KNUDTZON (Norway): I think it is quite useless to discuss this in a plenary session, they are small things, but things which must be mentioned.

We have for instance, if I might tell you, in section 4:

"It is forbidden to use a factory ship or a whale catcher"

it is dealing solely with factory ships or whale catchers, and then it is suggested in the last paragraph

"Provided that whale catchers not operating in conjunction with a factory ship or land station but processing minke whales on board shall not be subject to the provision of this paragraph"

That is nonsense.

I have more comments to make, but I would prefer not to make them at a plenary session.

The CHAIRMAN: Let us then refer Appendix I to the Technical Committee.

Are there any other observations you wish to have referred to the Technical Committee?

Mr. R. G. R. WALL (United Kingdom): I was not clear whether you proposed to refer item 7 to the Technical Committee as well as to the Scientific Committee.

The CHAIRMAN: We can, but as Dr. Mackintosh has been Chairman of the Scientific Committee it may be a little difficult for him to be in two places at once! But I have no objection, and I am sure the Commission has no objection, to the Technical Committee considering these reports.

Mr. R. G. R. WALL (United Kingdom): I am thinking of such things as whale marking, which comes into this report, which I think it might be useful for the Technical Committee also to look at.

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The CHAIRMAN: Let us refer item 7 also to the Technical Committee; and possibly you can discuss that particular item at some time when Dr. Mackintosh will be free from his duties in the Scientific Committee.

It is now eleven, and it is customary to have a brief respite. We will return at 11.30.

(Coffee break)

The CHAIRMAN: Now, if the Commission will come to order - Mr. Aleman, Panama.

Mr. R.R. ALEMAN (Panama): Mr. Chairman, in order to facilitate the work of the Commission, in reviewing the Agenda here, I have noticed that we have item 14, "Drafting amendments to and re-arrangement of the Schedule"; and at the same time we have certain amendments that are going to be made to the Schedule in this meeting. Under these circumstances I believe it would be very convenient if, at the plenary meeting here, we approved the Schedule as redrafted, before the several Committees submit the new amendments to the Schedule.

The CHAIRMAN: We cannot very well do that from a procedural point of view. The whole matter is referred to the Technical Committee, of which you are a member.

Mr. R.R. ALEMAN (Panama): That I know. But what I am saying is that anyway the redrafted Schedule will have to be approved by the plenary.

The CHAIRMAN: That is right; when it comes back from the Scientific Committee, the plenary session has to approve it.

Mr. R.R. ALEMAN (Panama): Could we not do that first, before considering the other amendments made here?

The CHAIRMAN: No, you must make the amendments first, because the Schedule as redrafted is not a change in substance, it is a change in arrangement.

Mr. R.R. ALEMAN (Panama): But it would have to be approved anyway by the plenary session?

The CHAIRMAN: By the plenary session, and then submitted to each Government. It has to go to the Governments.

Mr. R.R. ALEMAN (Panama): I see.

The CHAIRMAN: Now we come to the referring of items to the Scientific Committee. It is proposed under item 6 that the scientific matters under 6(a), 6(b) and 6(c) and 6(d) be referred to the Scientific Committee. We have an excellent Report, thanks to Professor Bergersen's group, and I am hoping that you will give it very careful consideration.

On item 7, Dr. Mackintosh may wish to summarise his own Report before that Scientific Committee. Unless the Scientific Committee wishes to consider other matters, we will leave it on that basis.

Now when it comes to item 8, Review of the 1952/53 season's catch, it would appear desirable to have both of

these Committees acquainted with the contents of that Report. We are therefore arranging for a plenary session on Tuesday afternoon at 4 p.m., after tea, to hear that Report. After all the trouble that has gone into the preparation of this Report, we certainly wish to acquaint the whole of the Commissioners and advisers with its contents before the two Committees complete their deliberations.

The next item to be considered is item 13, Draft Fourth Annual Report for approval. Mr. Dobson, will you take over?

The SECRETARY: Mr. Chairman, I have an apology to make here. This Report has been drafted in the usual form, it is Document IV, and I would like to ask you to give it your approval provisionally, subject to certain gaps being filled in, for which we are usually indebted to our Norwegian colleagues. But I wanted to call your attention to the fact that in paragraph (29) it reads: "The factory ships engaged in the pelagic season 1951-52 ...". That should read, of course, "1952-53"; then the gaps that follow thereafter relate to that season. Although we do not receive it until after the year, we put it into the Report for the year. That was a ~~typist's error~~, slip on my part.

The Report is presented for your general approval. I have not put the appendices, because some of them we cannot get complete: for instance, we have only just had the financial statement in. But if it is your wish that this Report should follow the ordinary report of previous years, then perhaps you would provisionally give me your approval, subject to any corrections you may wish to hand in before the end.

Mr. E. VANGSTEIN (Norway): Mr. Dobson quoted the paragraph relating to names of factory ships engaged in 1951-52 - -

The SECRETARY: That is ~~partly~~ my mistake.

Mr. E. VANGSTEIN (Norway): Then you do not have Kosmos III.

The SECRETARY: Yes, that has all got to be revised.

The CHAIRMAN: Perhaps, Mr. Vangstein, Mr. Dobson could consult with you as to the corrections necessary.

Are there any objections to accepting in principle, provisionally, this Report, subject to such corrections as may be necessary? I take it, then, that it will be accepted provisionally. (Agreed)

We have two further items, 15 and 17. 15, Is an Annual Meeting necessary? 17, Date and Place of Next Meeting. With your approval, these two items will be referred to the Finance and Administration Committee.

Now, one matter we should clarify is the time and place of the meeting of the standing Committees. It has been

suggested that the Finance and Administration Committee meet this afternoon at 3 p.m. Is that agreeable to Mr. Wall, Dr. Marchand, and Dr. Budker? (Agreed) 3 o'clock in this room.

The Scientific Committee. Dr. Mackintosh, when do you wish the Committee to meet?

Dr. N.A. MACKINTOSH (United Kingdom): I will be quite ready myself this afternoon if that suits other people.

The CHAIRMAN: What time? 3 o'clock?

Dr. BUDKER (France): I belong to both Committees.

Dr. N.A. MACKINTOSH (United Kingdom): Would you rather make it a little later for the Scientific Committee?

The CHAIRMAN: I am in the same position as Dr. Budker. Suppose the Scientific Committee met at 4 o'clock? (Agreed)

The Technical Committee. As yet there is no Chairman who can answer that question. Supposing we said 4 p.m. also for the first meeting of the Technical Committee? Each Committee has to elect its own Chairman, and I suppose in the meantime I have to assume that responsibility temporarily. We will say that is agreeable, unless there is any objection.

They are set up now. We have the first meeting of the Finance and Administration Committee at 3 o'clock, the first meeting of the Scientific Committee at 4, and the first meeting of the Technical Committee at 4. The meetings will take place in this building.

The SECRETARY: When the plenary session is over, the partitions are moved back across the centre, so that one Committee can meet at one end and the other Committee at the other end.

The CHAIRMAN: The Committees may wish later on to have a joint meeting on item 6. There is that possibility. But I think that is a matter that the Chairmen of the respective Committees should resolve: whether it will be necessary to have a joint meeting of the two Committees.

Unless there are further matters that some Commissioner wishes to bring up at this moment, the Commission will stand adjourned until Tuesday at 4 p.m. for a plenary session. Each one of these Committees will set the meeting time for tomorrow for their respective Committees. That concludes this meeting.

(The meeting adjourned at 11.55 a.m.)

INTERNATIONAL WHALING COMMISSION

FIFTH MEETING

Tuesday, 23rd June, 1953

In the Chair: Dr. Remington Kellogg (United States)

The CHAIRMAN: Will the Commission please come to order?

We come now to item 8 on the Agenda, Review of the 1952/53 Season's Catch. Mr. Vangstein.

Mr. E. VANGSTEIN (Norway): The Committee of International Whaling Statistics has distributed to the Commissioners, as in previous years, a folder containing sundry statistics of the whaling operations in the Antarctic and in fields outside the Antarctic. The folder comprises: International Whaling Statistics Nos. XXIX and XXX and a provisional edition of No. XXXI.

No. XXIX covers the operations in the Antarctic in 1950/51 and in fields outside the Antarctic in 1951. A provisional edition of these statistics was presented at the meeting in London in 1952.

No. XXX covers the operations in the Antarctic in season 1951/52, and some statistics relating to the said season were also presented at the last meeting of the Whaling Commission.

The statistics relating to the operations in 1952 (that is to say the Antarctic 1951/52 and in fields outside the Antarctic in 1952) will be printed in No. XXX of International Whaling Statistics. The tables for this publication are ready, but as it has been impossible to get the statistics printed in the usual way in the short time available, we have stencilled them in as many copies as were needed for the Conference, as we took the view that it was necessary for the Commissioners to have a complete survey of the whaling operations.

Finally, the folder contains some tables relating to the operations in the Antarctic season 1952/53.

There was somewhat less activity in fields outside the Antarctic in 1952 compared with former years. The reason for this is probably the fall in the prices of oil which occurred at the end of 1951 and in the first half of 1952. The reduction in whaling activity was greatest in the Peruvian field, no sperm whaling being done in this field with factory ships in 1952. In 1951, 3 factory ships captured 6,350 sperm whales in this field.

In the Australian field, on the other hand, there was increased whaling activity in 1952, two new companies started whaling. There are now 4 land stations operating in this field, and in 1952 they took 1,787 humpback whales.

A Japanese factory ship, "Baikal Maru", engaged in pelagic hunting of baleen whales at Kamtchatka in 1952. In the Kamtchatka field a Russian factory ship was also operating, as in former years. Both these factory ships will operate in 1953, according to newspaper reports.

A French factory operated along the coast of Gabon in 1952. This ship is, however, pursuant to the provision of the Convention, regarded as a land station. No whaling is being done along the Congo coast in 1953.

A complete survey of whaling activity in 1952 and in earlier years will be found in the material distributed. As appendix to the statistical material there is a map showing the location of the land stations and the whaling fields of the factory ships outside the Antarctic.

In the Antarctic last season 16 expeditions were in activity, as compared with 19 in seasons 1950/51 and 1951/52. Three Norwegian expeditions did not engage in whaling last season. One of these has withdrawn from Antarctic whaling for good. The reason is the low oil prices.

The hunting of baleen whales, excepting humpback whales, commenced on January 2nd. The hunting of humpback whales proceeded, pursuant to the provisions of the Convention, on February 1st, 2nd and 3rd. On these three days approximately 440 humpback whales were captured, and the Committee of International Whaling Statistics decided therefore that the operations could continue a further 3 days. On these 6 days a total of 954 humpback whales were taken. Of this number, 5 expeditions accounted for 909 whales, while the remaining 11 expeditions took 45 only. The average catch of humpbacks per day was 159 last season, against 309 in the previous season. It is in Area IV that humpback whales are found most frequently. As there was not such extensive activity in this area last season as in the previous seasons, this may be the cause of the low humpback catch.

The baleen whaling operations ended on March 16th, pursuant to a decision taken by the Committee of International Whaling Statistics. The catch amounted to 14,866.6 blue whale units, that is to say, 1,133 units less than the permitted 16,000.

The Committee received reports from most of the pelagic expeditions on Monday in each week, but reports from some expeditions did not come in before Wednesday. Statements of the total catch of blue whale units were sent by the Committee of International Whaling Statistics to the Chairman and Secretary of the International Whaling Commission, as well as to the Contracting Governments which had pelagic expeditions in the Antarctic, and to the individual whaling companies.

As per Saturday, February 21st, 11,454.7 blue whale units had been taken. The Chairman of the Committee of International Whaling Statistics convened a meeting of the Committee for Friday, 27th February, 1953, to consider the course of the operations. To have the fullest possible information on the said date all the pelagic expeditions were requested to send to the Committee of International Whaling Statistics catch reports as per Wednesday, 25th February. On 27th February such reports had been received from 12 out of the 16 expeditions, and the Committee reckoned the total catch as per 25th February at 12,345 blue whale units.

The Committee thereupon fixed the closing date at March 16th, proceeding in the same way as in the previous seasons. The total catch as at March 16th amounted to 14,866.6 blue whale units, this being 1,133.4 units less than the maximum 16,000.

The Committee has in earlier reports to the International Whaling Commission drawn attention to the fact that the rules of the Convention respecting termination of the operations are not satisfactory, and that as long as these remain in force, the Commission must be prepared for the possibility that sooner or later the catch can be considerably less or more than the permitted maximum.

The catch in the last three weeks of last season was much smaller than the Committee had reckoned. Whether this was due to the weather conditions or to deficiency of whales cannot be said with certainty. Some expeditions have reported bad weather in the last weeks.

In the last six seasons the Committee has fixed the closing date for taking of baleen whales.

The average catch in the last six seasons is 15,954.1 units. If the last six seasons are considered collectively, the result must be said to be satisfactory. But the whaling companies had reckoned on a catch of 16,000 blue whale units also in season 1952/1953, and it is hardly satisfactory for them that the catch in a particular season shall be some 1,100 units less than the permitted maximum. To avoid this situation in future we ought to have a more flexible rule with respect to the termination of the operations. We draw attention to the proposal which Ambassador Birger Bergersen has put forward. Ambassador Bergersen proposes that notification of the closing date shall be given with 4 days' notice instead of 14 days, as now, and that daily reports of the catch of blue whale units shall be sent in from the date when the Committee reckons that the total catch amounts to 14,500 blue whale units. If these provisions are adopted, the Committee would have to calculate the catch only one week in advance instead of the present about three weeks.

As far as is known, the provision for fourteen days notice was fixed out of regard for the companies' arrangements. But the Committee of International Whaling Statistics as mentioned above, sends to the whaling companies each week a statement of the total catch of blue whale units. The companies are therefore in a position to reckon out approximately how long the operations will last.

After the catch reports as per March 7th were to hand (the total figure was then 13,585.9 units), the Committee received a recommendation from a couple of the whaling companies that the season should be prolonged. The Committee considered these recommendations, but was of the opinion that the rules of the Convention did not give the Committee authority to prolong the season.

The above proposal of Mr. Bergersen was dealt with by the Technical Committee yesterday. In this connection the Technical Committee also discussed the decision taken by the Committee this season. The Commission was not quite happy about the date, and I understand one of the points was that the Committee should have waited for another weekly report before they fixed the closing date. The Committee had, in fact, fresh reports when they fixed the date. If we had waited for the next week's report, the catching period would have been at least two days longer. If the task of the Committee had been that we should act in such a way that the catch under no circumstances should be less than 16,000 blue whale units, then we would have waited for the next weekly report. But I think it is just as correct to ensure that the catch does not exceed 16,000. The Committee has always tried to reach exactly 16,000, and in so doing there has always been a chance that the catch might be above or below the agreed figure.

The Bureau of International Whaling Statistics has received reports from all the companies on the number of whales taken and the production of oil. In the material distributed you will find a table showing the catch and production of the individual expeditions last season. Particulars regarding the size of whales caught have been received from all the expeditions except the Soviet Russian one. The representative of the Soviet Union has promised to give me their report. The statement from the Panama expedition arrived so late that it could not be included in the calculations in which the catch is apportioned in areas and the calculations relating to average sizes.

The catch last season amounted to: 3,866 blue whales; 21,197 fin whales; 954 humpbacks; 123 sei whales. That is a total of 26,140 baleen whales. The catch of blue whales again shows a fall compared with earlier seasons. Last season about 1,300 blue whales fewer were taken than in 1951/1952. One reason for this is that the 16,000 units were not attained this year. This does not, however, explain everything. The percentage ratio between blue whales and fin whales taken shows 15.4% blue and 84.6% fin whales, as compared with about 20% blue and 80% fin in 1951/1952. Whalers, whaling managers and scientists are agreed that the occurrences of blue whales are smaller now than formerly. There is some disagreement, however, as to the degree to which the stocks of blue whales are reduced. Some whaling men are of the opinion that the catch statistics do give an accurate picture of the state of the stocks today. Others think that the decline in the stocks is not as large as the statistics indicate. They base this view on the fact that the blue whales are found most frequently in the ice, and that the expeditions, far more than in earlier seasons, now operate in the open sea. I draw attention in this connection to the memorandum Ambassador Bergersen has prepared, which is included in the Agenda: Document II.

The catch of blue whales varied quite considerably between the different expeditions. "Balaena", for example, captured 521 blue whales last season, while "Pelagos" obtained only 55.

The production last season amounted to about 1,881,000 barrels whale oil, or about 174,000 barrels less than in the previous season. This is due to the smaller catch of baleen whales last season. The average yield per blue whale unit last season was 127.7 barrels, against 129.3 barrels in the previous season.

A total of 2,185 sperm whales was taken in 1952/1953, as compared with 5,344 in 1951/1952. Normally most of the sperm whaling has taken place before the commencement of the baleen whale operations. Owing to the large stocks of unsold oil and to the low prices of oil there was not so much sperm whale hunting prior to the baleen whale operations as in the previous season.

At the International Whaling Conference in Cape Town in 1951 several of the Commissioners urged that the Bureau of International Whaling Statistics should effect a similar division of the whaling field in the Antarctic as was done in the publications of the Norwegian Whaling Board, Hvalradets Skrifter, in previous years. At the meeting of the Commission in London in 1952, the Committee of International Whaling Statistics submitted tables for the season 1951/1952 which showed the number of whales taken and their average size in square of 10<sup>0</sup>. At the meeting it was resolved to request the Bureau of International Whaling Statistics to draw up similar tables with respect to some earlier seasons. This material was then to be sent to the committees which had been appointed to deal with the question of the taking of humpback and the question of the maximum catch.

We have during the winter examined all the statistical reports from the whaling companies for nine seasons, namely the seasons 1937/1938, 1938/1939 and all the post-war seasons.

This new examination of the statistics comprises 255,261 whales, and the catch and production have been grouped in squares of 10<sup>0</sup>. To enable us to effect such grouping and division of the catch we have made use of the so-called "punched card system", and the intention is to continue to use this in future. By means of a special machine, a punch card machine, all the information we have received from the companies concerning the whales captured are entered on special cards.

After all the particulars have been entered on the cards it is a rather simple matter to draw out such tables as may be required.

The above material was sent to the Commissioners who are members of the committees appointed to deal with the question of the hunting of humpback whales and other baleen whales. As we imagine that some of the Commissioners are interested in getting the new catch statistics, we have in the material distributed to the Commissioners included an extract of the new statistics. We have also prepared statistics on the same lines respecting the catch last season. These are, however, based on the operations of 14 pelagic expeditions out of the 16 which were in activity. The statistical tables relating to each season are numbered 1 to 10. I draw attention to the list of contents accompanying the material. Table 1 in each of the 10 seasons shows the total catch in number of whales and production of whale oil per 10<sup>0</sup> square, and the catch and production of whale oil per catcher day's work. Table 2 gives the same information for each of the 10 seasons, but

the catch and production are in this case divided into areas.

The catch of blue whales per catcher day's work was last season 0.22 as compared with 0.30 in season 1951/1952. This signified a decline of about 25%. In seasons 1937/1938 and 1938/1939 the blue whale catch represented about 0.55 per catcher day's work. The catch of fin whales per catcher day's work was last season 1.14 as compared with 1.20 in season 1951/1952. The catch of baleen whales converted into blue whale units fell from 0.94 in 1951/1952 to 0.81 last season.

In Area II the blue whale catch last season amounted to 0.21 per catcher day's work as compared with 0.12 in 1951/1952. In season 1951/1952 the catch of blue whales represented about 13% of the total catch of blue whale units in Area II. In 1952/1953, however, the blue whale catch represented about 28% of the total catch of blue whale units in this area.

In Area III the blue whale catch fell considerably - from 0.36 blue whales per catcher day's work to 0.17. The fin whale catch was approximately the same as in the previous season, but the number of blue whale units per catcher day's work fell, in consequence of the smaller whale catch, from 1.06 to 0.87.

The catch in Area IV per catcher day's work was slightly higher than in the previous season, with respect both to blue and to fin whales. On the other hand there was a decline in the number of blue whale units per catcher days' work, but this is due to the smaller humpback catch last season.

In Area V there was a fall in the catch per catcher day's work in respect of blue whales, fin whales and blue whale units, as compared with the season 1951/1952.

Last season the whaling activity moved westwards. There was less activity in Areas IV and V. When we get the figures from the last two expeditions I imagine that the catch in Area II will prove to be the same as in the previous season, while in Area III it will be larger than in season 1951/1952.

The average size per blue whale captured was last season 77.7 feet, against 78.0 feet in the previous season. The average size of the fin whales was 67.5 feet, which represents a decline of 0.4 feet compared with 1951/1952. The percentage ratio of immature blue whales was last season 38.3%, as compared with approximately 35% in 1951/1952. The percentage ratio of immature fin whales was 20.8% against 16.6% in the previous season. For other details about the catch last season I draw attention to the statistical material distributed.

At the meeting of the International Whaling Commission last year it was resolved:

"That all data regarding the location and day of killing of all whales killed in the Antarctic in the course of pelagic whaling, without any reference to individual whaling companies, should be sent to the Commission at the end of each season, for the inspection of and copying by Contracting Governments."

The Committee of International Whaling Statistics has furnished the Secretary of the Commission with such a statement.

The CHAIRMAN: The review is now open for discussion. Are there any comments by the Commission?

Captain H.K. SALVESEN (United Kingdom): I think Mr. Wall would permit me to speak, especially after he has heard what I am going to say.

I would like to pay a tribute to the Bureau of International Whaling Statistics for the magnificent work that was done in producing these documents for us. I am probably one of the few who have spent a little time in studying them. I spent three hours in bed last night trying to make something of them! As usual, there seem to be extraordinarily few noticeable mistakes, and extraordinarily few noticeable omissions. One of my own pet tables was omitted; Mr. Vangstein has promised to put it in next time.

There is one point I would like to make. Considerable criticism has appeared in the Press and elsewhere on the subject of the decision made by the Bureau to stop whaling on a certain date. I was present at the time the agreement was made as to how this date was to be decided, and it was quite clear to all of us then that any decision would be bound to have a considerable margin of error. Over a period of five years the error has been infinitely smaller than we expected. I think we should be very conscious of that when we notice that on this occasion they have made a mistake. In general, over a period, the mistakes have been very small. In an industry of this nature, where they are tremendously dependent on the variation of the weather and other things at the end of the season, there are bound to be mistakes, and over a period of time it is perfectly clear that on the average they have done an exceedingly good job.

I would like to make one point in relation to statistics in general. There has been considerable discussion very many times on the subject of the use of the conception of whale catcher working days. It is not only my view, but the view of a good many of us, that that is a poor conception to use and a poor conception on which to build. One would very much prefer to have rather less emphasis given to that doubtful conception in the statistics and rather more to some other conception; or, if they continue to use that conception, that they should try some system of weighting in order to bring it more into fact and relate it more to other changes that may occur within the seasons.

However, my purpose is primarily to suggest that most of us feel the Bureau, on the average, has done infinitely better than I, at least, expected it to do when it was first given this task.

The CHAIRMAN: I wish, on behalf of the Commission, to reiterate what Captain Salvesen has said, and express our great indebtedness to the Bureau of International Whaling Statistics for their work, as our agents, in determining the closing date. As I recall, I do not believe the industry ever complained when they ran over. This time we ran under

unfortunately. As Captain Salvesen said, certain errors are bound to occur owing to the season and other factors. Nevertheless, we are deeply indebted to the International Bureau of Whaling Statistics. We are also - at least the biologists are, and I am sure the Technical Committee is - grateful for this document that Captain Salvesen has referred to, giving the data on pelagic whaling for the Antarctic seasons 1937/1938, 1938/1939 and the post war seasons, where the tables record the catch and production by squares of 10° latitude. We have never had that data to study before, for a period of ten years. We have been promised that we will receive this data in future years.

I personally am deeply indebted to you, and I am sure the rest of the Commission is, for the grand work you have done.

(Hear, Hear)

Now the Scientific Committee will meet here <sup>tomorrow</sup> at 10 o'clock. I believe the Technical Committee are meeting at 12 noon. Unless there are further comments, the Commission will adjourn for today.

Mr. G.R. CLARK (Canada): Before you adjourn, will there be any possibility of having the joint meeting of the two Committees tomorrow afternoon? There are a number of items which it is necessary to discuss jointly.

The CHAIRMAN: I have consulted the Chairman of the Scientific Committee, and he is agreeable to having a joint meeting of the two Committees at 4 o'clock tomorrow. If there is no further business, we are now adjourned.

(The meeting adjourned at 4.50 p.m.)

INTERNATIONAL WHALING COMMISSION

FIFTH MEETING

Thursday, 25th June, 1953

In the Chair: Dr. Remington Kellogg (United States)

The CHAIRMAN: Will the Commission please come to order ?

The first item of business at this plenary session is the Report by the Finance and Administration Committee.

Mr. R.G.R. WALL (United Kingdom): Mr. Chairman, the Committee have met to consider the items which have been submitted to them. My colleagues and I, Dr. Marchand and Dr. Budker, have agreed on the Report that has been prepared and laid before you. May I briefly say that there are five items in this Report, and may I mention each of them.

Firstly, starting in paragraph 3, the accounts for 1952/53 have been accepted and laid before you for approval. Secondly, starting in paragraph 6, the question as to whether we should continue to have an Annual Meeting. We feel that for the time being there should continue to be an Annual Meeting of the Commission. Thirdly, paragraph 7, the question of the place of the next meeting. There we had a very kind invitation from Japan to meet in Tokio next year, which we considered, and were very pleased to do so. We have felt, for reasons which are set out in this Report, that the Committee should leave this matter to the Commission to decide upon finally by vote. Fourthly, paragraph 8, the date of the next meeting. The suggestion there is that for various reasons, which are set out, it should open on Monday 19th July next year, wherever it is held. Lastly paragraph 9, the budget for 1953/54, which is duly set out there. We recommend the approval of that budget, and that the contribution should stay at the same figure of £150 from each Government as for the current year.

The CHAIRMAN: Thank you, Mr. Wall. We will now poll the Commission as regards acceptance of Document I(A), which is the expenditure for 1952/53.

The SECRETARY: You all have Document I(A) revised. Will you please say yes or no.

Australia: yes; Brazil: not present; Canada: yes;  
Denmark: yes; France: yes; Iceland: yes;  
Japan: yes; Mexico: not present; Netherlands: yes;  
New Zealand: not present; Norway: yes; Panama: yes;  
South Africa: yes; Sweden: yes; U.S.S.R.: yes;  
U.K.: yes; U.S.A.: yes.

That is unanimous except for Brazil, Mexico and New Zealand, who are not present.

The CHAIRMAN: We will now poll the Commissioners for Document I(B), which is the budget for 1953/54. Before doing that, if there is any comment by any delegation, now is the time to make it.

Dr. G.J. LIENESCH (Netherlands): Mr. Chairman, before agreeing this estimate, I think it is important to know where the next meeting will be held.

The SECRETARY: Dr. Lienesch, I spent an hour on this under the same delusion, apparently, as you. This budget has nothing to do with the place of the next meeting. The £1,000 shown here for the Annual Meeting is this Annual Meeting.

The CHAIRMAN: If there are no further comments, the Secretary will poll.

The SECRETARY: Document I(B) as revised.

Australia: yes; Brazil: not present; Canada: yes; Denmark: yes; France: yes; Iceland: yes; Japan: yes; Mexico: not present; Netherlands: yes; New Zealand: not present; Norway: yes; Panama: yes; South Africa: yes; Sweden: yes; U.S.S.R.: yes; U.K.: yes; U.S.A.: yes.

That is unanimous again except for the three not present.

The CHAIRMAN: That, then, concludes the polling on this year's expenditures and on the budget for 1953/54.

Now as regards the time and the place of the next meeting, we propose to leave the vote on the meeting to the next plenary session. This gives you all time to read this document, in case you have not already done so.

Now we will take item 15. Is an Annual Meeting necessary? That is item 6 of the Report of the Committee on Finance and Administration.

Mr. G.R.B. PATTERSON (Australia): On the question of item 15, as to whether an Annual Meeting is necessary, we are of the opinion that it would be a good idea to drop next year's Annual Meeting. It has been the policy of the Australian Government to support international organizations meeting every second year. We have given the matter a lot of thought and we feel that the Whaling Commission could quite easily fall into that category. From a scientific point of view, the Subcommittee will be meeting every year, and therefore the main work of the Whaling Commission is still going on. But we feel that the cost to Governments of having an Annual Meeting, with rising costs generally, is becoming far too great. We feel that each country should be represented by a Commissioner who has a very keen knowledge of the problems of whaling, and it is not possible, in our case, for us to continue to have a Commissioner at each meeting. We therefore would like this meeting seriously to consider dropping next year's meeting, providing, of course, that

the Scientific Sub-Committee are still meeting, which I understand they will be doing; remembering also that a meeting can be called, if any matter of urgency arises, at a moment's notice, and a postal vote can be taken on any matters which arise during the year.

From a finance point of view, we would suggest that if it is considered that next year's meeting can be dropped, we would in fact be prepared to allocate the two year subscription in advance to cover that point of view. I do not know whether or not I should move that next year's meeting be dropped. For the moment I will just leave our thought and see whether anybody would be prepared to support it..

His Excellency Prof. B. BERGERSEN (Norway): We think it is rather necessary to have a meeting every year.

Dr. J.L. KASK (U.S.A.): Mr. Chairman, before we came to this meeting there was a large area of opinion in my country that even a meeting every second year would be too frequent unless the Commission got down to some serious and positive work. However, the activities at this meeting this year give every indication, if we progress as indicated, that we are going to become an active and aggressive Commission. In that case, I would like to support strongly that we continue the Annual Meeting.

The CHAIRMAN: I suggest that if possible we should hear how each Commissioner feels on this point.

Mr. G.R. CLARK (Canada): Mr. Chairman, our view is very similar to the one that was expressed by Dr. Kask. While our interest in whaling itself is not particularly great, none the less Canada joined the International Whaling Commission a few years ago, and participated even prior to that, because of our general interest in the conservation of a natural resource, in which of course we are very considerably involved and interested. So far as we are concerned, we believe quite strongly that if this Commission does not meet annually the interest of certain countries will not continue. We would therefore strongly suggest that the Commission continue to meet annually.

Mr. P.F. ERICHSEN (Denmark): I think we should continue to meet annually.

Dr. P. BUDKER (France): We should continue to meet annually.

Mr. E. BENEDIKZ (Iceland): I think annual meetings are necessary..

Mr. A. KODAKI (Japan): We feel in the same way as Dr. Kask. If we can accomplish something we should continue to meet annually.

Dr. G.J. LIENESCH (Netherlands): I believe, on behalf of the Commission, that Annual Meetings are necessary.

His Excellency Prof. B. BERGERSEN (Norway): I have already expressed my opinion.

Mr. R. R. ALEMÁN (Panama): I agree with the point of view expressed by Dr. Kask.

Mr. J.M. MERCHAND (South Africa): Meetings should be held annually, for the time being at least.

~~Mr. M.H.F. de WAGENFELT~~ <sup>Commodore Thermanius</sup> (Sweden): I agree.

Capt. A.N. SOLYNIK (U.S.S.R.): Abstain.

Mr. R.G.R. WALL (U.K.): Under my United Kingdom hat I feel the same way as under the other hat as Chairman of the Committee making this Report. For the time being I feel an Annual Meeting is required, though I would say for the time being.

Mr. G.R.B. PATTERSON (Australia): I have given our feelings to the Commission, but it is always the policy of the Australian Government to be unanimous in matters of the Commission and we will leave our suggestion now and carry it no further.

The CHAIRMAN: This is just for the time being, it may be proved desirable in the future to go on to the two year basis.

We have completed now most of the items for which we have data to render a decision. We will now refer back to the Technical and Scientific Committees the problems that they could not resolve in the joint session yesterday. Before they go into committee I personally would like to have only the Commissioners of each country here for a review of where we are going. We will adjourn this body and the Commissioners alone will meet here. Then the two Committees will start work.

(The meeting adjourned at 10.30 a.m.)

INTERNATIONAL WHALING COMMISSION

FIFTH MEETING

Thursday, 25th June, 1953.

In the Chair: Dr. Remington Kellogg (United States)

The CHAIRMAN: Will the Commission please come to order. The Secretary has an announcement to make.

(The Secretary made an announcement as to the availability of Press photographs.)

The CHAIRMAN: Since we have not as yet received the Report of the Scientific Committee, we may as well proceed with 6(ii) of the Agenda, the first part of which appears under item 6 of the Report of the Technical Committee.

"The Committee considered that the amendments proposed under Item 6(ii) of the Main Agenda and recommend that Paragraph 8(c) of the Schedule should be amended to read as follows, the new words being underlined:-

"Notification shall be given in accordance with the provisions of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue whale units is deemed by the Bureau of International Whaling Statistics to have reached 14,000, notification shall be given as aforesaid, at the end of each day of data on the number of blue whale units taken.

The Committee understands that the Commission will write to the Bureau of International Whaling Statistics requesting them to notify daily

(a) the Master of each factory ship, (b) the whaling companies and (c) the Contracting Governments the total catch reported in accordance with the underlined words."

What is your pleasure? Are there any observations?

Mr. G.R. CLARK (Canada): Mr. Chairman, if I may speak to that on behalf of the Technical Committee, we considered this at quite considerable length, and this proposal which you have just read was the unanimous recommendation of the Technical Committee. The understanding we have come to, thanks to the kindness of the Bureau of Whaling Statistics, is that when the 14,000 blue whale units is reached, they will be good enough to supply

the information on a daily basis direct to the Masters of the factory ships. Prior to the 14,000 blue whale units being reached, the Bureau will advise the whaling companies weekly, as they have been doing in the past.

The CHAIRMAN: If there are no further observations, the Secretary will poll the delegations.

The SECRETARY: Please say yes if you agree to the amendment.

Australia: yes; Brazil: not present; Canada: yes;  
Denmark: yes; France: yes; Iceland: yes;  
Japan: yes; Mexico: not present; Netherlands: yes;  
New Zealand: yes; Norway: yes; Panama: yes;  
South Africa: yes; Sweden: yes; U.S.S.R.: yes;  
U.K.: yes; U.S.A.: yes.

Carried unanimously, with two absentees.

The CHAIRMAN: We now come to the second amendment which appears as Item 7 in the Report of the Technical Committee.

"With regard to Paragraph 8(d) of the Schedule, the Committee recommend that this should read as follows, the new words being underlined:-

"If it appears that the maximum catch of whales permitted by sub-paragraph (a) of this paragraph may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall have been deemed to have been reached and shall notify the master of each Factory Ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined."

Any observations? As there are no comments, the Secretary will poll the delegations.

The SECRETARY: Please say if you agree to the amendment.

Australia: yes; Canada: yes; Denmark: yes;  
France: yes; Iceland: yes; Japan: yes;  
Netherlands: yes; New Zealand: yes; Norway: yes;  
Panama: yes; South Africa: yes; Sweden: yes;  
U.S.S.R.: yes; U.K.: yes; U.S.A.: yes.

Carried unanimously, with two not present.

The CHAIRMAN: We now come to Item 14 of the Agenda, which is Item 8 of the Technical Committee's Report.

This concerns Document V of your papers. Appendix 1, Document V. Item 8 of the Technical Committee Report reads as follows:-

"The Committee considered the amendments to the Schedule proposed in Appendix 1 to the Report of the Special Drafting Committee and recommended that these should be adopted, subject to the following exceptions:-

"Amendment II should be omitted as unnecessary.

"Amendment VIII should be adopted with the omission of the words 'but processing minke whales on board'.

"Amendments XI and XII accepted with the substitution in each case of the word 'consecutive' for the word 'continuous' in the third line.

"Amendment XIV should be adopted but Paragraph 8 should be included among those numbered at the end.

"Amendment XV should be omitted and the present Paragraph 12 of the Schedule should be retained but renumbered Paragraph 12(b) and the word 'other' inserted after the opening word 'all'."

I will now put you in the hands of the Secretary.

The SECRETARY: I would ask you to look at Appendix 1 to Document V, where there are sixteen amendments which are all dealt with in the paragraph of the Technical Committee's Report which the Chairman has just read. These are drafting amendments. They are drafting amendments which have been recommended by the Special Drafting Committee, which had the assistance of Mr. Davis of the Ministry's Legal Department.

I do not know whether it is the wish of the Committee that I should poll each amendment, or whether it would be sufficient to say 'With regard to Amendment I, is there any objection?' If there is no objection, then we may regard that as adopted unanimously. Otherwise I have to poll each of those sixteen.

The CHAIRMAN: Will that procedure be satisfactory?  
(Agreed).

The SECRETARY: I will read the first one.

"Paragraph 4 shall read as follows, the underlined words being new:-

"4. It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:- "

The point I put to you is, are you willing to accept that drafting amendment? Agreed, no dissentients? That may be regarded as carried unanimously.

The second amendment, Paragraph 4, as you have just heard from the Chairman, the Committee recommend should be omitted as unnecessary. Is there any dissentient to that proposal? (Carried.)

The third amendment:

"Paragraph 5 shall read as follows, the underlined words being new:-

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

Do I hear any dissentients to that proposal? That is agreed unanimously.

The fourth amendment:

"Paragraph 6. The first two and a half lines of this paragraph shall read as follows, the underlined words being new:-

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

Do I hear any dissentients? That is carried unanimously.

Amendment V.

"Paragraph 7 (a) shall read as follows, the underlined words being new:-

"7 (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from 2nd January to 7th April following, both days inclusive."

Do I hear any dissentients? That is carried unanimously.

Amendment VI.

"Paragraph 7 (b) shall read as follows, the underlined words being new:-

"7 (b) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto."

Are there any dissentients?

Mr. G.R. CLARK (Canada): May I make one point? I think possibly we overlooked it. Earlier we said we would

substitute the word 'consecutive' for the word 'continuous', so that there would be uniformity. The word 'continuous' appears in the paragraph that has just been read.

The CHAIRMAN: You said ...

The CHAIRMAN: You said to use the word "consecutive" instead of "continuous"?

H.E. Professor B. BERGERSEN (Norway): No, the other way round.

Mr. A. KODAKI (Japan): That would be covered by the suggestion made by the United Kingdom Commissioner in paragraph 9 of the Technical Committee's Report.

The CHAIRMAN: It is a "continuous open season", not a consecutive one. It must be continuous.

Mr. G.R. CLARK (Canada): "Continuous" is quite right here, I agree.

Mr. A. KODAKI (Japan): We will come to that later. We need not go into this matter now.

The SECRETARY: I ask if there are any dissensions to paragraph 7 (b) as it is drafted in the paper? No dissensions. That is agreed unanimously.

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

7 (c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales catchers may be permitted.

Provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto:

(ii) the open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to Sub-paragraph (a) of this paragraph.

Do I hear any dissensions? If not, that is carried unanimously.

Amendment VIII.

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

7 (d) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuou

open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted."

That is put to you without the words, "but processing minke whales on board". Are there any dissentions to that proposal? If not, that is carried unanimously.

Amendment IX.

"Paragraph 10 (a) shall read as follows, the underlined words being new:

10 (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b) (c) and (d) of this paragraph."

Do I hear any dissentions? That is carried unanimously.

Amendment X.

"Paragraph 10 (b) The first six lines of this sub-paragraph shall read as follows, the underlined words being new:

10 (b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government."

Do I hear any dissenting voices? That is accepted unanimously.

Amendment XI.

"Paragraph 10 (c) The first six lines of this sub-paragraph shall read as follows, with the underlined words being new:

10 (c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight consecutive months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in sub-paragraph (b) of this paragraph.

The only alteration from what is on the paper is that "continuous" becomes "consecutive". Are there any dissensions? That is carried unanimously.

Amendment XII.

"Paragraph 10 (d) The first five and a half lines shall read as follows, the underlined words being new:

10 (d) Each Contracting Government shall declare for all land stations under its jurisdiction, and for whale catchers attached to such land stations one open season not to exceed six consecutive months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) of this paragraph)."

Are there any dissensions to that amendment? That is carried unanimously.

Amendment XIII.

"Paragraph 10 (e) shall be deleted and sub-paragraph 10 (f) shall be renumbered 10 (e)."

Amendment XIV.

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

"12 (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of paragraphs 2, 4, 5, 6, 7, 8 or 10 of this Schedule."

Are there any dissensions to that amendment? That is carried unanimously.

Amendment XV.

"Paragraph 12 (b) as renumbered shall read as follows, the words underlined being new:"

That has been rejected, and the point I put to you is that paragraph 12 of the Schedule shall become 12 (b) and the word, "other" inserted after the initial word, "All" of the paragraph. Paragraph 12 (a), therefore, which now becomes 12 (b) will read:

"All other whales taken, ~~except minke whales~~ . . .

and then continue as it is in the Schedule. Are there any dissensions? That is carried unanimously.

The last amendment is XVI.

"Paragraph 18 at end the following new sentence shall be added:

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

That becomes sub-paragraph (2), and involves a consequential amendment: figure (1) being inserted after 18.

Are there any dissensions? Then I declare that carried unanimously.

The CHAIRMAN: We now come to item 9 of the Report of the Technical Committee: "The U.K. Commissioner suggested that, as a result of these amendments, a number of consequential drafting amendments might with advantage be included in the rearranged Schedule before it was submitted to Contracting Governments for agreement. These amendments did not fall within the original remit of the Drafting Committee, and the Technical Committee therefore recommend that the Commission should pass resolutions in the following terms:-"

The SECRETARY: The Resolution.....

The SECRETARY: The resolutions read as follows:

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

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

That is substantially what was recommended by the Drafting Committee. The last two lines of (i) are new; and the Drafting Committee is brought into action again to deal with any further drafting amendments.

May I say this for your comfort, that those extra drafting amendments have already been substantially agreed. I am going to hand Mr. Knutzen a copy of them. They have already been put on paper, and a copy is in the hands of Dr. Lienesch, so I hope, although we shall not be able to deal with this for three or four months, those have been taken care of already.

You have heard the resolution. This is a very important resolution because it means the re-arrangement of the Schedule cannot be taken in hand until all the amendments we have made today, and may still make, have been agreed, and then it does not go through the ordinary 90-day procedure. As the Drafting Committee have said in their Report the re-arranged Schedule has to go to each Government with a request that they will say 'yes' or 'no'. If they all say 'yes' from the date of the last 'yes' we can bring it into force. That is the procedure. So it is an important resolution which I think should be polled.

I am putting these two proposals in paragraph 9. on page 3 of the Technical Committee's Report both together, and I will ask you to indicate 'yes' or 'no'.

Australia: yes; Canada: yes; Denmark: yes;  
France: yes; Iceland: yes; Japan: yes;  
Netherlands: yes; New Zealand: yes; Panama: yes;  
South Africa: yes; Sweden: yes; U.S.S.R.: yes;  
U.K.: yes; U.S.A.: yes.

That is accepted unanimously, except for Brazil and Mexico who are not present.

Professor Bergersen has just raised this point. I hope I made it clear you have unanimously agreed that when you are sounded on the subject you will say 'yes' to the re-arranged Schedule, but you will understand if you do not say 'yes' it cannot come into force. It is not like the 90 days on an amendment of the Schedule, when I send out the amendment and say, '90 days will expire at midnight on a certain date' and if you do not reply in the meantime it will have to come into

force." On this occasion you have got to say 'yes', and so I think each contracting Government's representative here will do his utmost to say 'yes' quickly.

The CHAIRMAN: We shall now take up item 9 of the Agenda: "Policy with regard to furnishing of vessels, equipment, or supplies, intended for whaling operations, to non-contracting Governments or their nationals." That is item 11 of the Technical Committee's Report:-

"Item 9 on the Main Agenda was discussed at length by the Committee which agreed that it should be referred to the plenary session with a report of the following views expressed by the representatives on the Committee.

"(i) The United States representative referred to the resolution adopted in London in 1945 and suggested that in view of the different practices adopted by member countries, some clarification of the position seemed desirable.

"(ii) It was pointed out by the Secretary that as the 1937 Convention had lapsed the matter must now be related to the Convention of 1946.

"(iii) The U.K. Commissioner said that his Government was prepared in principle to continue to observe the terms of the 1945 resolution if all the other contracting Governments were to do so, but he thought that only specifically whaling equipment should be affected and not equipment used for general navigation, and that these articles should be specified in an agreed list.

"(iv) The representative of Norway stated that there was already provision in his country under which the export of whaling equipment for use in pelagic whaling was controlled. The representative of Japan stated that in his country the necessary legislation existed and could be used if agreement was reached by all countries in regard to prohibiting the supply of whaling equipment to non-participating countries.

"(v) Representatives of Canada and the Netherlands considered that such prohibition would be impracticable, at least in their own countries.

"(vi) Observers from Italy, Peru and Argentine deprecated any discrimination against non-contracting Governments."

You have before you the Report of the Technical Committee. Are there any observations?

Dr. P. BUDKER (France): I just wish to point out that the French Delegation is of course against furnishing of vessels, equipment or supplies to non-participating countries just because we have the sad example of the St. Thomé Whaling Shore Station. I pointed out this question at the Scientific Committee, and I just want to say it again here in the plenary session.

The CHAIRMAN: Are there any further comments?

Mr. R. G. R. WALL (United Kingdom): On a point of drafting, I think perhaps the words "to continue" in the second line of sub-paragraph (iii), relating to the United Kingdom, ought to come out, because the point is that we may not always have done so, perhaps as we ought to have done under that resolution.

I mention that in case it is published, as I should like it to be accurate.

The CHAIRMAN: You propose to delete "to continue" in the second line of sub-paragraph (iii)

Dr. J. L. KASK (United States): I would like to speak to this point for just a moment, since it was my country that brought up this subject.

I think that in order to be effective this type of moral agreement should be unanimous. I think if we could see from the Members of this plenary session once more how their views on this matter sum up, it would be very helpful in future activities.

The CHAIRMAN: Dr. Kask, we have requested that Mr. Davis, the legal adviser, should come over and advise us how we are going to handle this.

(Mr. Davis, the legal adviser, joined the meeting)

The CHAIRMAN: We will now return ..

The CHAIRMAN: We will return now to item 9. In view of the fact that the Technical Committee made no recommendation, we have consulted with the United Kingdom Legal Adviser, and the Secretary will now read a resolution that may resolve this matter.

The SECRETARY: "The Commission, having considered item 9 on the main Agenda (Supply of Equipment) are of opinion that the provisions of the Agreement and protocols referred to in the preamble to the International Whaling Convention of 1946 are superseded by the said Convention of 1946 and the Schedule attached thereto; and that the obligations under the said Agreement and protocols are no longer binding."

The CHAIRMAN: Any comments? Then I will ask the Secretary to poll for acceptance or rejection.

Mr. J.E. CUMMINS (Australia): That is not a resolution, but an opinion, a statement.

Mr. J.L. KASK (United States): I wonder if we could have that reread?

(The Resolution was re-read.)

Mr. F.H. CORNER (New Zealand): I would be grateful if a member of the Commission who understands the background of this more than I do could explain the effect of this resolution. It appears to me - I repeat that I know very little about it - that the present resolution is merely giving an open invitation to anybody to supply equipment to non-participating countries, and that it might be better to have no resolution at all than one that just opens out a path like this. As I say, I may be wrong in interpreting the resolution in that way.

The CHAIRMAN: I cannot explain it in detail, but it seems that the procedure in various countries is different. The United States, to the best of my knowledge, has never declared the agreements prior to the 1946 Convention invalid. Some of the countries have stated that the 1946 Convention supersedes all previous agreements. Now, it is a matter of legal interpretation as to whether or not the previous Agreements and protocols and Final Acts have any status, or are now in force.

Mr. F.H. CORNER (New Zealand): In view of that, Mr. Chairman, I feel it would be difficult for me to agree to a legal interpretation of the present status of these agreements without our own legal people having looked into it, as far as we are concerned that is. In this resolution, I and all the other Commissioners are giving a legal opinion, and I would not presume so easily to give it.

The SECRETARY: It is an opinion of the Commission.

The CHAIRMAN: This now will be not a legal opinion but the view of the members of the Commission as expressed in the Report of the Technical Committee, in which you will notice the views of various countries. Now, unless all Contracting Governments agree that there is a moral obligation to follow the provisions of the Final Acts of previous Agreements, mere words will not do anything. That is the issue.

Mr. G.R. CLARK (Canada): May I ask a question on this, with regard to technical procedure? My understanding in this is that the 1945 Agreement does not appear anywhere in any of the official documents; it is merely a recommendation of the Commission at that time.

The CHAIRMAN: There was no Commission at that time. It was an international Agreement; it is in the Final Act. It is a recommendation, and there are people who consider it as a moral obligation.

The SECRETARY: In answer to Mr. Clark, that was before the Commission was set up in 1949 as a result of the Convention in 1946. We had an international meeting each year, 1937, 1938, 1939, 1944 and 1945. That was our only way of altering what was originally settled in 1937. There was no Commission; but at the 1945 Conference when we made certain amendments to the then Regulations of 1937, there was expressed a pious hope in the Final Act of that Conference.

Mr. G.R. CLARK (Canada): So far as Canada is concerned, speaking from memory - I think it is correct - in 1949 when the new Convention came into being and we ratified in the Canadian Parliament the protocol of that Act, we in effect repealed all that had happened before. As far as we are concerned, our position is that we only have the 1946 Convention.

H.E. Professor B. BERGERSON (Norway): That is the case with Norway.

The SECRETARY: I think it is the case with the United Kingdom, as far as I know.

Mr. J.E. CUMMINS (Australia): May I just ask, if the Commission ratifies what the Secretary has read out as the opinion in regard to this 1945 Convention, is it the understanding that the Commission will then discuss the possibility of perhaps proposing some limitation on the transfer of whaling equipment to countries who are not members of the Convention?

The CHAIRMAN: It is entirely within their province, provided it is put on the Agenda for next year and each country has 60 days' notice.

Mr. J.E. CUMMINS (Australia): It cannot be discussed at this meeting?

The CHAIRMAN: That is right. In view of the fact that Norway, Canada and others have repealed these previous agreements, they are not in force there.

Mr. P.F. ERICHSEN (Denmark): I suggest that this proposal be dropped, because I think it is necessary for the different Governments, through their representatives, to examine the position further, so that it can be clarified whether we have an obligation or not. Therefore I would suggest that the whole proposal be dropped at the moment.

Mr. J.E. CUMMINS (Australia): Could I ask one point? When I spoke earlier, you ruled that the Commission could not give further consideration to this matter or make a proposal until 60 days' notice had been given; that means at our Sixth Meeting. But I would just like your interpretation with regard to the Agenda, because I rather feel that item 9 on the Agenda as it is written at the moment is the necessary 60 days' notice. In other words, this Commission, according to the Agenda, is going to discuss "policy with regard to furnishing of vessels, equipment, or supplies, intended for whaling operations, to non-contracting Governments or their nationals"; and it seems to me that we have given notice of the fact that we may move a resolution affecting that matter on the Agenda.

The CHAIRMAN: You are quite correct, Mr. Cummins, it is on the Agenda, and it is quite appropriate for us to discuss it.

Dr. G.J. LIENESCH (Netherlands): The whole question is rather difficult for us as young members of the Convention. We had not any idea about moral obligations from the days before 1945/46. On the other hand, you never will get a universal code about these moral obligations. So I should have thought it would have been better to leave that question out of the Convention. You will want a great deal of clarification, as there is such a lot of difference of opinion about this question. You will also agree that there are a lot of new younger members of the Convention who did not have any obligation when they came in. You cannot expect that they will now feel themselves bound by obligations dating from 1937.

The CHAIRMAN: That was the purpose of the statement that the Secretary has read.

Dr. G.J. LIENESCH (Netherlands) I agree with this, what is it, recommendation?

The CHAIRMAN: Call it anything you please if you agree on a name for it. If we can clear that up, you can go ahead with the resolution on policy. The whole question is whether this Convention of 1946 still carries some weight as regards previous agreements, because of the statement in the preamble.

Mr. A. KODAKI (Japan): What the Secretary read is the strictly legal interpretation. Now we must decide whether we should proceed to make a new resolution or not.

The SECRETARY: The Chairman asked me to poll the Commission on this statement, which I will read again, as an expression of opinion. We can then decide whether or not to move a resolution for the future.

(The Statement was re-read)

May I ask you to say yes or no. Australia.

Mr. G.R.B. PATTERSON (Australia): Yes.

Mr. G.R. CLARK (Canada): Mr. Chairman, I agree with the opinion, but I do not agree with the last two or three words, that the Commission resolves. I do not think we are voting on a resolution, we are agreeing to a matter of opinion.

The SECRETARY: I put in those words, that the Commission resolves accordingly, in the hope of meeting Mr. Clark, who wanted a resolution.

Mr. G.R. CLARK (Canada): As far as I am concerned, I would take those words out.

The SECRETARY: It is simply an expression of opinion, and you would say yes?

Mr. G.R. CLARK (Canada): Yes.

Mr. P.F. ERICHSEN (Denmark): I would like to say that it is necessary for us to look into the matter before we can say anything.

The SECRETARY: You reserve decision? France: no; Iceland: not present; Japan: yes; Netherlands: yes; New Zealand: abstain; Norway: yes; Panama: yes; South Africa: yes; Sweden: no; U.S.S.R.: abstain; U.K.: yes; U.S.A.: yes. 9 are in favour, two are against and three abstain. I think, therefore, that the ayes have it by the necessary majority.

Mr. A. KODAKI (Japan): I agree with the legal adviser on the point of interpretation of the recommendation incorporated in the Agreement of 1945. It would be a very good thing for us all if a recommendation to the same effect could be unanimously accepted. But if I recall it correctly, many countries seemed to find difficulty in accepting such recommendations. If that is so, would it not be possible for the State Department of the depository government, that is the United States Government, to approach once again those non-participating countries for their agreement to the Convention. The State Department must have done so several times, but if we cannot resolve anything here, that may be one way to do it. We may consider this question next year, having found some way to induce those non-participating countries to come into this Agreement.

The CHAIRMAN: I should say that our Government has repeatedly asked some of our missions to bring this matter to the attention of the appropriate offices. We have been rather disappointed in the delay in adhering to these agreements.

As the depository Government we have made every effort to acquaint non-participating countries with the provisions of these agreements, given them sets of documents, full explanations, in the hope that they would see their way clear to adhere.

The SECRETARY: If I have Mr. Kodaki's views right, perhaps the Commission would like to pass this as a resolution:

"The Commission resolve that a further appeal should be made to the non-participating countries to ratify or adhere to the 1946 Convention, especially in view of the fact that these countries have attended all or many of the meetings of the Commission as observers since the Commission's inception".

Mr. A. KODAKI (Japan): I agree with the legal adviser on the interpretation; if we do not have a fresh resolution it looks as if we are going to help those non-participating countries. I think something must be done. What the Secretary read would really only give us something to cover this year. Of course, it is better than nothing.

Mr. F.H. CORNER (New Zealand): I agree with the view Mr. Kodaki has put. I think the resolution, or expression of opinion, that we have is an extraordinary one to come out of a body concerned with the ordinary regulation of whaling and the conservation of whaling stocks, if that opinion appeared just on its own, because it could be read as an announcement to the world that the moral obligation which used to exist against the supply of equipment to non-participating countries no longer exists, and everybody is free, and indeed welcome, to supply equipment to such countries. Therefore I agree thoroughly with Mr. Kodaki that we should follow it up with something else. If we cannot follow it up with something stronger than the words proposed by the Secretary, it would seem that those words are, as Mr. Kodaki said, better than nothing.

The CHAIRMAN: In view of some of the comments, can any of the Commissioners suggest a more forceful statement? That is the issue that seems to be before us at present. As Chairman I am entirely at your service, it is up to you to suggest what you have in mind.

Mr. R.G.R. WALL (U.K.): Might we hear the statement again?

(The Secretary re-read his suggested resolution)

Dr. J.L.KASK (United States): I want to thank the Commission for this clarification, since it was at the request of our delegation that this was brought up. I would like to add, however, that, in my view, being a member of this Commission almost obliges one to have a moral obligation not to help non-participating countries to take advantage of whatever effect the regulations may have. I would like to see something on the record probably a little stronger than our Secretary has drafted, to indicate that feeling. However, I have nothing to suggest.

Mr. A.KODAKI (Japan): This is simply my personal suggestion, but we might add further: "In view of the fact that some Commissioners are strongly against the export of whaling equipment, including factory ships and catchers, to non-participating countries". Something to that effect.

Mr. R.R. ALEMAN (Panama): I just want to say that we seem to be working to get back to where we started from. As I see the whole problem, the United States of America delegation felt that they did not want to consider themselves under moral obligations if other countries said they could not do anything about it, and they had to sell vessels and equipment to non-contracting Governments. We finally disposed of that issue by adopting the resolution recommended by the legal adviser to the effect that there was not any kind of obligation not to sell that equipment to non-contracting Governments. Now if you want to go back to that question of moral obligation, you are just going back to where we started from, then we will have to start all over again. I believe that if no Commissioner has a proposal to make about a definite policy, it should be left as it is now, that is there is no kind of obligation of any sort, and if anybody wants to feel a moral obligation he can go ahead and feel it. It is left to Governments to use their best judgement in solving this problem. It is very hard in international meetings and conventions to deal with moral obligations, because they usually do not mean anything.

As I have understood the whole problem, the United States Delegate did not want to feel under a moral obligation when several countries said very definitely at the Technical Committee that they could not assume this obligation because some of them had constitutional impediments to doing so.

Mr. A. KODAKI (Japan): I suggested we should adopt the recommendation as read by the Secretary, but we should add some words to make the amendment a bit stronger, and say, "In view of the fact that there are so many observers from non-participating countries, and in view of the fact that some Commissioners are strongly against the export of such equipment to non-participating countries". That means to say non-participating countries may reconsider their position if they know they cannot import such equipment necessary for whaling.

The SECRETARY: I have an addition. You will remember that the Parliamentary Secretary, who introduced the Commission to its labours this year, did mention this matter specifically. It might be thought, therefore, that the Commission were under a moral obligation to pass a resolution of this kind quite independently of what we have been discussing. I have, therefore, added a paragraph which may possibly help Mr. Kodaki and others:

"The Commission resolve that a further appeal should be made to the non-participating countries to ratify or adhere to the 1946 Convention, especially in view of the fact:

- 1) that these countries have attended all or many of the meetings of the Commission as observers since the Commission's inception; and
- 2) that so long as these countries remain outside the Convention the objects of the Convention as regards conservation are in jeopardy.

Mr. R.G.R. WALL (United Kingdom): The reality of this question in the end is whether all Governments or sufficient Governments are prepared to take action if the non-participating countries do not intend to come in. It is therefore a question of taking action of two kinds. Firstly, whatever resolution we pass today on this matter, together with the dropping of the 1945 resolution, might be explained by the United States, as the depository government, to the non-participating countries, explaining the circumstances in which these resolutions have been passed today and the situation now existing. The result of that might be that the countries came in, or they did not.

The second part of the section would be, I suggest, that the United States Government, again as the depository Government, should enquire of the other Governments who are Members of this Commission whether they would be prepared, in the event of non-participants not coming in, to take action under item 9, as it is on our Agenda today. We should then know where we stood, and the non-participating countries would know where they stood, and I think all would be very much clearer.

The SECRETARY: The Chairman desires me to put this resolution to the vote of the Commission, so I will read it again for that purpose:

"The Commission resolve a further appeal be made to the non-participating countries to ratify or adhere to the 1946 Convention, especially in view of the part (1) that these countries have attended all or many of the meetings of the Commission as observers since the Commission's inception and (2) that so long as these countries remain outside the Convention, the objects of the Convention as regards conservation are in jeopardy."

I now propose to poll you as "yes" or "no".

Mr. G.R.B.PATTERSON (Australia): Reserve.

Mr. G.R.CLARK (Canada): Mr. Chairman, I do not know if it is in order or not, but I should like to move an amendment to that resolution. My amendment would take this form: first, the preamble to the resolution that was read by the Secretary, I would go along with. The number (1) I would not; the number (2) I would.

The CHAIRMAN: Is there a seconder to that? New Zealand seconds that.

The SECRETARY: Mr. Clark, Canada, has moved and Mr. Corner, New Zealand, has seconded that the resolution should be simplified as follows:

"The Commission resolve that a further appeal should be made to the non-participating countries to ratify or adhere to the 1946 Convention, especially in view of the fact that, so long as those countries remain outside the Convention, the objects of the Convention as regards conservation are in jeopardy."

Does that carry your wishes?

Mr. G.R.CLARK (Canada): That is it.

Mr. F.H.CORNER (New Zealand): I wonder whether "in jeopardy" is perhaps just a little strong and whether the words "are prejudiced" might be a little weaker and more true of the situation?

Mr. G.R.CLARK (Canada): I would agree to the word "prejudice" rather than "jeopardy".

The SECRETARY: "The Commission resolve that a further appeal should be made to the non-participating countries to ratify or adhere to the 1946 Convention, especially in view of the fact that, so long as those countries remain outside the Convention, the objects of the Convention as regards conservation are prejudiced"

The CHAIRMAN: I will poll the amendment:

Australia: Yes. Canada: Yes. Denmark: Yes.  
France: Yes. Iceland: not present. Japan: No.  
Mexico: not present; Netherlands: Yes;  
New Zealand: Yes; Norway: Yes; Panama: Yes;  
South Africa: Yes; Sweden: Yes. U.S.S.R.: Abstain;  
U.K.: Yes. U.S.A.: Yes.

That is carried by twelve votes to one, one abstaining.  
I will now put that as a formal resolution:

Australia: Yes; Canada: Yes. Denmark: Yes;  
France: Yes.

Mr. A.KODAKI (Japan): I prefer the first one read by  
the Secretary, but if it is one or the other, I would say "Yes".

Netherlands: Yes; New Zealand: Yes; Norway: Yes;  
Panama: Yes; South Africa: Yes; Sweden: Yes;  
U.S.S.R.: Abstain; U.K.: Yes. U.S.A.: Yes;.

That is carried with one abstention.

Unless there is some further business to come to the  
attention of the Commission, we will stand adjourned until  
10 a.m. tomorrow morning.

(The meeting adjourned at 6.0 p.m.)

INTERNATIONAL WHALING COMMISSION

FIFTH MEETING

Friday, 26th June, 1953

In the Chair: Dr. Remington Kellogg (United States)

The CHAIRMAN: Will the Commission please come to order. It was rather remiss of me at the previous meetings not to ask you to receive the Reports of the three respective Committees, and we have started to deal with them. So to formalise it I will now ask you if you are willing to receive the Report of the Finance and Administration Committee. Is it agreed? (Agreed).

May we also receive the Report of the Technical Committee? Is it agreed? (Agreed).

May we also receive the Report of the Scientific Committee? (Agreed). That formality is taken care of.

We shall deal first with Item 17, the date and place of the next meeting, which is covered in the Report of the Finance and Administration Committee, under Item 7. That decision has been left to the vote of the Commission. I shall ask the Secretary to determine your wishes.

The SECRETARY: The Chairman wishes me to poll the Commission as to whether the next meeting shall as suggested ~~in~~ the kind invitation of the Japanese Government, be held next year in Tokyo. I now propose to poll the Commission for a simple yes or no.

Mr. G.J. LIENESCH (Netherlands): Is there any possibility to make some remarks about this proposal?

The CHAIRMAN: Certainly. I should have asked you for observations.

Mr. G.J. LIENESCH (Netherlands): Sir, on behalf of my delegation I appreciate the kind invitation of the Japanese Government, but I should like to make one remark. There is a chance that if we meet in Tokyo it will be very difficult to get sufficient scientists over there, even to get a complete meeting of the Scientific Committee. At this meeting we have seen the results of the very important studies of the Scientific Committee, and I am a little afraid that the meeting in Tokyo would not be sufficiently complete to serve the purpose of this Commission. May I hear the opinions of others on this point, because, as I say, we certainly do not get sufficient support from our Government to take a delegation consisting of scientists and others we need. Thank you.

Mr. G.R.B. PATTERSON (Australia): It is difficult for me to give an answer of yes or no because I have not had instructions from Canberra. I have cabled for them. I think I should be safe in saying our view would very largely go with the majority here, provided some assurance was given that we could get the scientific people to Tokyo. In our case, Mr. Cummins is in London and it would be a very expensive trip for him to go to Tokyo. That would not bar us; we should be quite happy to follow the majority. But we may not be able to give a yes or no.

Capt. A.N. SOLYANIK (U.S.S.R.): The Soviet delegation thanks the representative of Japan for the kind invitation to meet in Tokyo next year. We shall be very pleased to go.

The CHAIRMAN: Thank you, Capt. Solyanik. Any further comments ?

Mr. F.H. CORNER (New Zealand): For purely administrative reasons my Government would much prefer the next meeting to be held in London, if that were possible. At the same time, I much appreciate the offer of the Japanese Government to provide facilities and for the invitation generally.

H.E. Professor B. BERGERSEN (Norway): I am authorised to say that we are prepared to go to Tokyo.

Mr. R.G.R. WALL (United Kingdom): The United Kingdom feels very much as Dr. Lienesch and Mr. Patterson have spoken. We should be prepared to go and would fall in with the majority, but we think it important that if we go we shall have adequate representation, an adequate meeting of representatives, their scientific advisers and others. If that could be arranged, we should be happy to fall in.

Dr. J.L. KASK (United States): I, too, would like to extend the thanks of this delegation to the Japanese for this kind invitation. Mr. Kodaki, the representative from Japan, pointed out the other day that it was no farther from London to Tokyo than from Tokyo to London, and he has brought his scientific representatives to this meeting here. I would also like to disabuse the concepts which seem to be prevalent, that secretarial help and help generally in running a meeting in Tokyo is unavailable. I can assure you that is not the case. I have attended many meetings in Tokyo, and have had the best possible assistance that could be expected.

The CHAIRMAN: We might as well go round the delegations now.

The SECRETARY: I now propose to poll the delegations. With the Chairman's concurrence I propose today to poll in the opposite direction.

U.S.A.: yes; U.K.: yes; U.S.S.R.: yes;  
Sweden: yes; South Africa: abstain;  
Panama: absent; Norway: yes; New Zealand:  
abstain; Netherlands: abstain; Mexico: absent;  
Japan: yes;

Mr. A. KODAKI (Japan): I should like to express my gratitude to the very kind words expressed by the Commissioners regarding the invitation of my Government. If you are good enough to come to Tokyo, the Government are ready to render you every possible facility and assistance. Thank you.

The SECRETARY: I will complete the polling.

France: yes; Denmark: abstain; Canada: yes;  
Brazil: absent; Australia: abstain pending  
instructions.

The SECRETARY: That gives us a vote of eight in favour and five abstentions. This does not require unanimity. I declare it carried.

May I just say, Mr. Chairman, that if I am alive I propose to meet my colleagues in Tokyo. But I am very much relying on Mr. Kodaki's word that we shall be fully assisted in Japan by shorthand writers and so forth, always bearing in mind that it is a requirement that we have to do the plenaries verbatim. I shall do my best, with the assistance of our Japanese colleagues.

Mr. KODAKI (Japan): I assure you..

Mr. A. KODAKI (Japan): I assure you we will do our best, and I am sure you will be satisfied with our service.

The SECRETARY: The Chairman asks me now just to poll - or perhaps you can indicate your assent without actual polling. The suggestion of the Finance and Administration Committee is that this meeting should be held on the 19th July. The idea of putting it in the second half of July is in order to make it rather easier for the Bureau of International Whaling Statistics to get their figures out. May I take it that is agreeable?

Mr. A. KODAKI (Japan): In this connection I should like to tell you quite frankly, as I may be blamed later, that July in Tokyo is not so agreeable as May or April when the cherry blossom can be seen. But still, the climate of Tokyo is very similar to New York and Washington. So if you know the weather in July in New York and Washington, that would be the weather in Tokyo in July.

H.E. Professor BERGERSEN (Norway): What about the beginning of June? Would that not be possible?

The SECRETARY: May I explain? As the Secretary of this Commission I am not supposed to know anything that is going on anywhere else. But it does happen that we have certain other Commissions of which some of us are members. I think there is no harm in mentioning the North-West Atlantic Fisheries Commission which is meeting on the 10th June. And if there is any idea of putting it much later, then we are running into two other Commissions, the Overfishing Commission of which Mr. Wall is President, and the International Council for the Exploration of the Sea in which I am personally interested. That is why we could not avoid taking those matters into account.

H.E. Professor BERGERSEN (Norway): I understand that, but are you quite sure the 19th July is not too late? What about the notice? Is it all right to have it on the 19th July?

The SECRETARY: It is almost impossible to select an ideal date. But in selecting the 19th July, I have calculated that, if there were any serious amendments to the Schedule, they might be got into the hands of the Contracting Governments by possibly the 1st August. Then we have August and September and October for the 90 days. And even if we had it at the beginning of June, we could not provide for 180 days. I do not anticipate that people would object for another 90 days. I think that is the best we can do. But if you have this a little earlier in July, you make it rather difficult for the North-West Atlantic Commission to get back and then to Tokio.

H.E. Professor BERGERSEN (Norway): I understand that. There are no more objections from my side.

The SECRETARY: If there are no dissentients to

the 19th July, may I assume that that is unanimously accepted? There are no dissentients; that is passed.

Mr. A. KODAKI (Japan): May I ask you once again for sure, if it is impossible to open the meeting even a few days earlier? Because as far as the climate is concerned, the earlier the better. Is the 19th the earliest?

Mr. G.R. CLARK (Canada): With regard to Mr. Dobson's remarks about the North-West Atlantic Commission, I am wondering whether he has taken into consideration that, if we could advance the date of the meeting in Tokyo as suggested by Mr. Kodaki, Mr. Dobson, being in Canada for the meeting of June 10th, could then leave from Canada to go to Tokyo.

The SECRETARY: I have thought of that, but I have no knowledge that I am going to appear in the North-West Atlantic meeting. It does not make any difference to me; that is a matter for Mr. Wall to decide in due course. But I have been assuming that Mr. Wall would probably go on this occasion, as ~~he is~~ the administrative Commissioner.

The CHAIRMAN: It seems to me that this is a matter that some Delegations may have some comments on. I have been advised that the Finance Committee studied the various conflicting dates and concluded that the earliest the Commission could meet, in view of the previous commitments of some of the Commissioners, was the 19th July. Now, if there can be an adjustment, the Chair is willing to listen to it.

Mr. Kodaki, don't you suppose that even the people from the Arctic could stand ten days of the tropics?

Mr. A. KODAKI (Japan): Oh, yes.

The CHAIRMAN: Unless there are some further observations, let us take it we will meet in Tokyo on the 19th July, and Mr. Kodaki will furnish each one of you with a fan!

It would now.....

The CHAIRMAN (Continued): It would now seem advisable to conclude our action on the Technical Report. We come to item 12:

"The Committee decided to set up a Sub-Committee consisting of Mr. Kask (U.S.A.), Mr. Drost (Netherlands) Mr. Moe (Norway) and Mr. Leach (U.K.) to examine the statements of infractions contained in Document VII."

It does not say there who is the Chairman. Mr. Clark, do you wish to report on that item 12?

Mr. G.R. CLARK (Canada): Mr. Chairman, there has not yet been time to prepare a full report in writing to append to this summary which is included in the Technical Committee's Report. I think that Dr. Kask in his Committee is going to try and prepare something today which will be submitted later on.

I have not got any further remarks other than what is included in this Report at the moment, but I think possibly Dr. Kask has one or two comments which he would like to add to it.

Dr. J.L. KASK (United States): Mr. Chairman, I served as the chairman of this sub-committee. The sub-committee met all the morning and gave very careful attention to the reports on the infractions. There were a number of very interesting matters that were revealed from that study. One was that since the new reporting system was initiated, a much more complete report of infractions was submitted. Another thing that was of significance was that the infractions seem to be getting progressively less frequent.

Another important thing that was revealed by a careful study was that the infractions with regard to blue whales, in spite of the fact that we hear that blue whales do not have any advantage any more, were much more frequent than was the case in the fin whale.

We would also like to say that a complete report was given by the delegation of the USSR on the infractions that were made by the operation Slava. This was left blank in the former one that was circulated.

I think that is all I have to report on this matter, other than what appears in the circulated document.

The SECRETARY: Mr. Chairman, if the Commission are going to take note of this Report, and it will be duly recorded in the verbatim notes and in your chairmanship report, may I call attention to 12 (iii). That is a little outside the ambit, and I am going to assume that under 12 (iii) it is an instruction to me to amend the form. We have, from time to time, amended the form which goes out in connection with these infractions, but I do not always feel entitled to make any amendments, however good, without the Commission's approval. I take it, therefore, that 12 (iii) is an instruction to me to make the necessary amendments so as to insert that item.

Mr. G.R. CLARK (Canada): That is correct, Mr. Chairman, that is the intent of the Technical Committee.

The CHAIRMAN: Any observations by others on this point? If not, we shall assume that it is agreeable.

That seems to cover all the items in the Technical Report that do not require the joint action of the two Committees.

We come now to item 6 of the Agenda. If you will turn to your two Committee Reports, you will note that 6 of the Agenda appears in the Technical Committee's Report under 4, and in the Scientific Committee's Report, on page 3, as item 6 at the top of the page.

Dr. N.A. MACKINTOSH (United Kingdom): May I just correct one point in that paragraph: January 15th should have been January 16th.

The CHAIRMAN: The Secretary will now read the resolution relating to the period when humpbacks may be taken.

The SECRETARY: The actual alteration involved is as follows. In paragraph 6 of the Schedule delete the proviso and insert the following:

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

That is the amendment which will be polled, subject to any observations in the first instance.

Mr. J.E. CUMMINS (Australia): On a point of order, Mr. Chairman, is not the polling to be done, or views expressed on the recommendations of the Scientific Committee first? That was the original recommendation.

The CHAIRMAN: We thought we could cut it but if you wish we can revert to that procedure.

Mr. F.H. CORNER (New Zealand): I would prefer that procedure. I think that the recommendations of the Scientific Committee should be given special weight as compared with that of the Technical Committee.

The CHAIRMAN: The recommendations made in Document XVII, the Report of the Scientific Committee, are as follows:

"(a) Humpbacks. The Committee recommend no change in the minimum length of Humpbacks.

"The Committee unanimously agreed to endorse the recommendation of the Special Subcommittee that the taking of Humpbacks in the Antarctic should be permitted on the 1st, 2nd and 3rd February.

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

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

What is your pleasure?

Mr. R.G.R. WALL (United Kingdom): Mr. Chairman, I did rather gather that a proposal is being made, though I did not hear it very clearly, that we should come to the three days instead of the four days for the catching of humpbacks. I am afraid the United Kingdom would feel obliged to maintain its stand on the question of four days, which for us was really tied up with the arrangements on the other matters which are dealt with in paragraph 6, I think it is, in the Scientific Committee's Report.

H.E. Professor B. BERGERSEN (Norway): As I told you yesterday, it is necessary for us to have a unanimous decision. If we are going to have three days, and if this decision is not unanimous, I am very sorry to say I will have to vote for four days.

The CHAIRMAN: We all realise it must be unanimous. This involves an amendment to the Schedule.

Mr. G.R. CLARK (Canada): It seems to me, Mr. Chairman, that this is almost a double-barreled affair, there may be even three barrels in what you have just read. There are certain things that I think I, as far as Canada is concerned, could say yes to. There are others I must say no to. I do not think you can take it all in one piece.

The CHAIRMAN: I don't either, but I read it for your pleasure.

Mr. G.R.B. PATTERSON (Australia): I agree with Mr. Clark.

Mr. G.R. CLARK (Canada): May I make a suggestion that if you could start the first one on the Scientific Committee's Report which reads:

"The Committee recommend no change in the minimum length of Humpbacks".

That clears that out of the way. Then proceed to take it in bits.

The CHAIRMAN: Is there any objection to the recommendation that no change be made in the minimum length of humpback whales? Is that agreed? (Agreed).

Then we will take up the next item, the recommendation that humpbacks be taken on three days, 1st, 2nd and 3rd February.

The SECRETARY: I will now poll on whether it is to be three days.

Mr. R.G.R. WALL (United Kingdom): Before the proposition is moved, would it be in order for me to move an amendment?

The CHAIRMAN: If you move an amendment we must vote on it first.

Mr. R.G.R. WALL (United Kingdom): I move an amendment that we substitute 1st, 2nd, 3rd and 4th February for what is written here.

Mr. G.R. CLARK (Canada): I second that.

The SECRETARY: The amendment, which has been proposed and seconded, is that it should be four days and not three.

Dr. J.L. KASK (United States): May I just say a word before I say yes or no. Usually in these matters it is the principle of our delegation that we go along with the carefully conceived ideas prepared by the Scientific Committee. However, I have heard a great number of discussions on this matter with average catches per day and so on showing that the catch would not reach the 1,250 in three days, and probably not even in four, so I reluctantly agree to four. My answer is yes.

The SECRETARY: U.S.A: yes; U.K: yes; U.S.S.R.: yes; Sweden: abstain; South Africa: yes; Panama: yes; Norway: yes; New Zealand: no; Netherlands: yes; Mexico: not present; Japan: yes; Iceland: not present; France: no; Denmark: abstain; Canada: yes; Brazil: not present; Australia: yes.

The voting is: 2 noes, 2 abstentions, 10 in favour. That is carried.

The CHAIRMAN: The next item under Humpbacks in the Scientific Report relates to research.

The Committee has commended the valuable research conducted by Australian, French and Japanese research organizations, and the Committee hopes that these researches will be continued by these countries, and that other countries will do likewise.

Mr. F. H. CORNER (New Zealand): I am sorry to go back to an earlier point, but we did vote on the amendment of the scientific proposals. We are now assuming that the four-day proposal is carried, without voting further. That is agreeable to me, but is it the correct procedure?

The CHAIRMAN: You have to vote on your amendment first, and if the amendment is carried that wipes out the first resolution.

The SECRETARY: I apologise, we should have put it as a substantive motion, but it was so obvious. As a matter of procedure we should have done so.

The CHAIRMAN: May we take it that this recommendation is agreed?

Mr. G. R. CLARK (Canada): Mr. Chairman, I think for the permanent record of the Commission, the Delegate from New Zealand has raised rather an important point. It seems to me, at least in our parliamentary procedure, that we vote on the amendment first, then there is a vote taken on the actual resolution; because some other countries may change their votes.

The SECRETARY: I will now poll the Commission on a substantive issue. This is now a substantive motion for four days.

Dr. J. L. KASK (United States): What are we to vote on?

The SECRETARY: On the substantive motion. The amendment was carried by the great majority. We now have to put the four days as a substantive motion, because it may mean in the substantive motion that some of the noes say 'yes'.

U.S.A.: yes; U.K.: yes; U.S.S.R.: yes;  
Sweden: abstain; South Africa: yes; Panama: yes;  
Norway: yes; New Zealand: yes; Netherlands: yes;  
Mexico: not present; Japan: yes; Iceland: not present  
France: yes; Denmark: abstain; Canada: yes;  
Brazil: not present; Australia: yes.

I am sorry for that error, because the correct procedure has now produced a unanimous vote, which we must have.

The CHAIRMAN: Now may we go back to the paragraph about research. If there are no objections, may we assume that it is agreed that the recommendation made by the Scientific Committee is desirable? (Agreed)

Now we come to the final paragraph which relates to the recommendation that voluntary limitation of catches of humpbacks at land stations is to be considered.

Mr. G. R. CLARK (Canada): May I have a word on that before it is put to a vote.

My understanding in reading this particular paragraph of the Scientific Committee's Report is, that it is contrary to the principles of this Commission, because I think that this is a suggestion that there should be placed, though on a voluntary basis, individual quotas to different countries. I think that is entirely wrong in principle for this Commission even to suggest or to start.

The next step, in my opinion, if my understanding of this particular paragraph is correct, is that there is a move eventually to apply individual quotas to the Antarctic and to other places. If that should ever transpire, then I think the work of this Commission will soon be placed in great danger, because each country, instead of trying to operate their factory ships, for instance, will make every effort to have as many catchers, factory ships, and get as many whales as they can, because some time in the future they may be placed on a quota. Therefore, so far as Canada is concerned, we completely disagree with that principle.

Mr. G. R. B. PATTERSON (Australia): Mr. Chairman, I would like to support the views of Mr. Clark.

We feel that as in our country we are controlling the catch from land stations, it is beyond the scope of the Commission to deal with this, and it should be left to the integrity of the various Governments.

Mr. H. Th. KNUDTZON (Norway): I should like to say that the feeling of Mr. Clark is unrealistic, as you have this especial provision in Article V of the Convention itself, stating that the alteration of the Schedule shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory or ship or land station, or to any group of factory ships or land stations.

The Commission is not limited to a system of quotas.

Mr. G. R. CLARK (Canada): I completely disagree with Mr. Knudtzon.

I am well aware that that is in the Convention; that being so, then the Scientific Committee nor this Commission has any right even to make a recommendation of this nature, because that is the first step.

H.E. Professor B. BERGERSEN (Norway): Let us hope that all the Governments will read the paper from the Scientific Committee, and then that perhaps is enough.

Mr. G. R. B. PATTERSON (Australia): I think we have read it.

Mr. F. H. CORNER (New Zealand): Taking up Professor Bergersen's suggestion, would it just be possible to recommend to the attention of Governments the special reports of the Scientific Committee, and leave it at that.

I would put it in these words: that they commend to the attention of the member Governments the report of the special sub-Committee on the question of humpbacks.

Mr. G. R. B. PATTERSON (Australia): What we are objecting to is the first paragraph on page 2 of Document II, the Scientific Sub-Committee's Report.

H.E. Professor B. BERGERSEN (Norway): But that is not a recommendation.

Mr. G. R. B. PATTERSON (Australia): It is not a recommendation, but we do not feel it should be in the Report.

Dr. N. A. MACKINTOSH (United Kingdom): May I just say one thing about this paragraph. In this paragraph, at the top of page 2, the operative word is "voluntary".

We realised, I think, that the Commission cannot impose any quota on - I think the critical words in the Convention are 'groups of land stations' - we used the word "voluntary" without reference to whether it was a Government or a group of whaling companies, or anything, we merely expressed the opinion that we hoped that the catching of humpbacks in these tropical waters in winter would not be unlimited.

Mr. G. R. B. PATTERSON (Australia): That part of my instructions is quite clear, by which we interpret the reading of the Scientific sub-Committee's Report. They say "sympathetic consideration to the possibility of some restrictions being imposed on the operations at the land stations, etc., " That is the part we feel is going beyond the Convention. That is the part we are objecting to.

H.E. Professor B. BERGERSEN (Norway): Paying attention to this paper, which has been prepared, I cannot see that that is against the Convention.

Mr. G. R. CLARK (Canada): So far as the Scientific Sub-Committee's Report, Document II, is concerned, I take no exception to that whatsoever, because that is the sub-Committee's report. But I do take exception to the Report of the Scientific Committee in Document XVII where the wording

is entirely different from what was contained in the sub-Committee's Report in Document II. They have gone much further, in my opinion, they even refer to: "might apply not only to particular areas but also to particular periods."

The CHAIRMAN: Do you wish to modify your proposal, Mr. Corner, in the light of this discussion, before I ask for a seconder?

Mr. F. H. CORNER (New Zealand): I still think a resolution could stand saying they commend to the attention of the member Governments the Report of the Scientific sub-Committee contained in Document II.

Mr. G. R. CLARK (Canada): I would second that motion.

The CHAIRMAN: Let us poll that.

The SECRETARY: Mr. Corner, the Chairman would like to know whether this would meet you: The Commission commend to the attention of Governments the Report of the Scientific sub-Committee as shown in Document II. That is the motion the Chairman would like a poll taken on. It has been proposed and seconded.

Mr. J. E. CUMMINS (Australia): Mr. Chairman, I am not disagreeing with that motion at all, but I would like to comment that we have before us at the moment in the Report of the Scientific Committee, a certain paragraph; that motion may give the inference in our own countries that we have also approved of this particular paragraph. Can you suggest a way in which we can overcome that possible inference and have this paragraph deleted from the Report of the Scientific Committee?

The CHAIRMAN: Someone should propose an amendment recommending the deletion of this paragraph.

Mr. G. R. CLARK (Canada): I would so move, that the paragraph in the Scientific Committee's Report, Document XVII, which starts "They endorse the recommendation of the Special Sub-Committee as to the voluntary limitation of catches of humpbacks", etc., that that particular paragraph be deleted.

Mr. G. R. B. PATTERSON (Australia): I would second that.

The CHAIRMAN: It has been moved and seconded that this paragraph in the Scientific Report be deleted.

The SECRETARY: Gentlemen, the proposal has now been made by Mr. Clark of Canada, and has been seconded by Mr. Patterson of Australia, that the paragraph at the end of page 2 of the Scientific Committee's Report should be deleted. Are there any observations or any amendments?

Dr. N.A. MACKINTOSH (United Kingdom): Mr. Chairman, I do not want to be difficult, but can we delete something which a Committee have put forward? Should it not be referred back?

The CHAIRMAN: It should be stated that we do not accept it, not delete it.

Mr. G.R. CLARK (Canada): That is all right by me.

Mr. A. KODAKI (Japan): I think this is a very important paragraph, that we restrict catches in the Antarctic of Humpbacks. We feel there must be some voluntary action, or some steps taken. If some Commissioners do not like the expression, we may change it, but I should like to retain something to this effect. Something must be said here in connection with the paragraph.

Dr. G.J. LIENESCH (Netherlands): Mr. Chairman, if you look at Article VI of the Convention you find the wording, "The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention."

The CHAIRMAN: The Chair would so rule that under Article VI the Commission is entirely within its competence to make such a recommendation, if it so desires. It is up to the countries then either to accept or reject such amendments. But it is within the competence of the Commission to make these recommendations. The recommendations should be in the form of amendments.

H.E. Professor B. BERGERSEN (Norway): I am not sure of that.

Dr. G.J. LIENESCH (Netherlands): You cannot get them in the Schedule; you only get them as the opinion of the Commission.

The CHAIRMAN: Article VI of the 1946 Convention reads as follows: "The Commission may from time to time make recommendations to any or all Contracting Governments" - notice it says any or all - "on any matters which relate to whales or whaling and to the objectives and purposes of this Convention".

Are there any further observations?

Mr. H. Th. KNUDTZON (Norway): Mr. Chairman, can the Commission make a recommendation which is against the provisions made by the Commission in a preceding Article in the same Convention? You cannot impose quota systems.

The CHAIRMAN: We cannot impose them, no.

Mr. H. Th. KNUDTZON (Norway): You have the special provision, which I read, saying you must not have any quota system.

The CHAIRMAN: That does not prevent any Government from imposing quotas if they so desire, and the Australian Government has so desired.

Mr. H. Th. KNUDTZON (Norway): And we send special instructions for our catcher boats from the land stations. But in my opinion, the Commission, if they cannot change the Schedule in the same way, they cannot ask Governments to adopt such systems.

The CHAIRMAN: They cannot impose it, but they can recommend it.

Mr. H. Th. KNUDTZON (Norway): They can recommend, yes.

Mr. G.R. CLARK (Canada): I think it is beyond the competence of the Commission in this particular case even to do that, because, as Mr. Knudtson said, you are going contrary to another provision of the Convention. Article V says you cannot impose quotas.

Mr. H. Th. KNUDTZON (Norway): If I may, I should like to remind the Commission that on one occasion the Norwegian delegation put on the Agenda an item dealing with the limiting of catcher boats, and the Netherlands delegation would not discuss it at all, because they said it involved a quota system. If you have a factory ship and allow only ten or eight catcher boats, that is a sort of quota of boats, and they would not discuss it at all. The Norwegian proposal was withdrawn.

Dr. G.J. LIENESCH (Netherlands): I would like to support the views of Mr. Knudtson on this point. We can accept this recommendation, but we will not get it enforced under the provisions of the Convention. That is the point. We are only making a gesture, nothing more. It does not affect the Convention, and you cannot take it further. So in fact you should delete it. But if the Scientific Committee means to give attention to this question - that is the point,

as I see it now - well, we believe we can agree to those views to a certain extent, but at the same time we say, keep in mind the fact that it will never have any effect. The purpose of the Convention you find in the preamble, there is nothing there about limitation, but you say in Article V that we shall not use a quota system. Therefore, there is no harm in accepting this recommendation. It will not do any harm, but it cannot be enforced.

Mr. A. KODAKI (Japan) Paragraph 2 of Article V deals with amendments of the Schedule, but the paragraph in the Scientific Committee's Report which we are discussing now is not an amendment to the Schedule, it is simply a recommendation. This is dealt with in Article VI, not Article V. Article V only defines the scope of amendments.

Mr. G.R. CLARK (Canada): Mr. Chairman, I am afraid I must get back to my first principle. This is rather technical because you are bringing in Articles to the Convention itself, but so far as I am concerned I am against entirely the principle that is embodied in this particular paragraph in the Scientific Committee's Report, document XVII. I would accept the Report of the Sub-Committee, and that particular paragraph which deals with it; that I have no objection to at all.

The CHAIRMAN: If I understand you correctly, Mr. Clark, you still request that we should not accept the recommendation at the top of page 2?

Mr. G.R. CLARK (Canada): That is my point.

The CHAIRMAN: It now appears necessary to poll the Commission as to whether or not the Commission wishes to accept the recommendation of the Scientific Committee, which appears at the top of page 2 of their Report.

The SECRETARY: I will now poll the Commission on the motion moved by Mr. Clark of Canada, and seconded by Mr. Patterson of Australia, that the recommendation contained on the top of page 2, first paragraph, of the Scientific Committee's Report be not accepted. You should vote no if you vote for the acceptance of the motion, that is that this paragraph is not accepted; if you say yes, it means you are in favour of it being accepted:

U.S.A.: no; U.K.: abstain; U.S.S.R.....

Capt. A.N. SOLYANIK (U.S.S.R.): I must say no. We accept this paragraph, the same as the United States.

The SECRETARY: Sweden: abstain; South Africa: no; Panama: abstain; Norway....

H.E. Professor B. BERGERSEN (Norway): It is very difficult; I am advised to say no.

The SECRETARY: New Zealand: yes; Netherlands: no; Japan: no; Iceland not present; France: no; Denmark: no; Canada: yes; Brazil not present; Australia: yes. The ayes are 3 and the noes are 8, 2 abstentions. That motion is not carried.

The CHAIRMAN: Mr. Corner, do you insist that we move a substantive motion now?

Mr. F.H. CORNER (New Zealand): For the acceptance of this whole paragraph?

The CHAIRMAN: Yes.

Mr. F.H. CORNER (New Zealand): We certainly have not accepted it yet. We have not accepted it as a resolution, the document still stands.

The SECRETARY: The Chairman desires me now to poll as a substantive motion that this paragraph be accepted. Yes is for its acceptance:

U.S.A.: yes; U.K.: yes; U.S.S.R.: yes; Sweden: abstain;  
South Africa: yes; Panama: abstain; Norway: yes;  
New Zealand: no; Netherlands: yes; Japan: yes;  
Iceland not present; France: yes; Denmark: yes;  
Canada: no; Brazil not present; Australia: no.

The noes have 3, the ayes have 9. That paragraph is accepted by 9 votes to 3, with 2 abstentions.

The Chairman allows me just to say a word on this vexed question. We really have not, in this Commission, got a legal adviser, therefore if I receive a communication from Mr. Clark, or any other member of the Commission, you might expect me to tell you what I think is the interpretation. I should have said that Article V has nothing to do with ~~any~~ alterations of the Schedule. Article VI is a clause which, in spite of all the rest of the provisions of the Convention, enables you to make any recommendation you like on any subjection. May I remind the Commission, though I do not want to go back to it, that the Commission have already accepted that under this paragraph 6 - because that is the paragraph we shall **act** under - we are going to suggest to each Contracting Government that we rearrange the Schedule.

Mr. G.R. CLARK (Canada): Just to relieve your mind, Mr. Dobson, I think you are right!

The CHAIRMAN: We now come to item 6(i)(b) of the Agenda: "Paragraph 5 becomes 5(1) and a new paragraph follows:- 5(2) It is forbidden to use a whale catcher attached to a

factory ship for the purpose of killing or attempting to kill blue whales in the waters south of 40° South Latitude between the meridian of Greenwich and 70° West Longitude". Will you turn to the Reports of the two Committees.

Mr. H. Th. KNUDTZON (Norway): Was that not passed yesterday, Mr. Chairman, in connection with the Report from the Technical Committee?

The CHAIRMAN: We just received the Report of the Technical Committee, and we avoided discussing that yesterday. The positions taken by the respective Committees are as follows: under item 5 of the Technical Committee Report the wording is, "The Committee were not prepared at this stage to recommend the acceptance of the amendment proposed under item 6(i)(b) of the Main Agenda." In the final statement of the Scientific Committee the wording is "that the protection of blue whales in Area II should be postponed". What is your wish?

Mr. R.G.R. WALL (United Kingdom): In view of paragraph 6 of the Scientific Committee's Report, I would propose that this amendment be not adopted.

Mr. J.M. MARCHAND (South Africa): I second that.

The CHAIRMAN: It is proposed and seconded that, in accordance with the recommendations of both Committees, item 6(i)(b) of the Agenda should not be accepted. The Secretary will now poll.

The SECRETARY: With regard to the amendment of the Schedule on 6(i)(b) of the Main Agenda, it has been rejected by the Technical Committee and in the view of the Scientific Committee it should be postponed. It has now been moved by the United Kingdom and seconded by South Africa, that this amendment be not accepted. May I poll the Commission accordingly? Are you in favour of this not being accepted?

Australia: yes; Canada: yes; Denmark: yes; France: yes; Japan: yes; Netherlands: yes; New Zealand: abstain; Norway: yes; Panama: yes; South Africa: yes; Sweden: abstain; U.S.S.R.: abstain; U.K.: yes; U.S.A.: abstain.

Mr. F.H. CORNER: I feel I should explain my abstention. I do so on the grounds that while not voting against the proposal, since it obviously represents agreement among the majority of the Commission, we still feel that the proposal does represent a much smaller measure of conservation than is indicated by all the Reports of the Scientific Committee.

Mr. J.L. KASK (United States): The Delegate from New Zealand expressed my view precisely.

The SECRETARY: 10 in favour and 4 abstentions. That has been carried. That amendment is not accepted.

(coffee break)

The CHAIRMAN: The Commission will come to order. Mr. Patterson has a few comments to make.

Mr. G.R.B. PATTERSON (Australia): Since the vote was taken earlier this morning in regard to the meeting next year, I have received a cable from Australia saying we should be very pleased to accept the invitation of the Japanese next year. Could that be recorded ?

The SECRETARY: I will record your vote as 'yes'.

The CHAIRMAN: We now come to 6(i)(c) of the Agenda:

"Paragraph 7(a), at the end add:- Provided that no blue whales shall be taken before 15th January in any year."

If you will turn to the Technical Committee's Report under 4(ii):

"that the amendment proposed under item 6(i)(c) of the Main Agenda be accepted with the substitution of the words 16th January for 15th January":

The Scientific Committee Report, under item 6 at the top of page 3, the wording is :

"The Committee have since been informed that the Commissioners are prepared to agree unanimously that there should be no taking of blue whales before January 15th"

That should read "January 16th". That is an error, a misprint. You have before you this proposal. Are there any comments ? If there are no comments, the Secretary will poll the delegations.

The SECRETARY: The proposal as put before you is

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

I would ask you to indicate your wishes on that proposal.

U.S.A.: yes; U.K.: yes; U.S.S.R.: yes;  
Sweden: yes; South Africa: yes; Panama: yes;  
Norway: yes; New Zealand: yes; Netherlands: yes;  
Japan: yes; Iceland: absent; France: yes;  
Denmark: yes; Canada: yes; Brazil: yes;  
Australia: yes.

That is unanimous, two not being present. I declare that proposal carried.

The CHAIRMAN: The next item is 6(i)(d) of the Agenda, which reads:

"and possibly Paragraph 8(a), line 4 for "sixteen" read \_\_\_\_\_."

Please turn to the Report of the Technical Committee 4(iii). The recommendation is:

"that the proposal under item 6(i)(d) of the Main Agenda to amend paragraph 8(a) of the Schedule be adopted, and that the figure fifteen thousand five hundred be substituted for sixteen thousand".

In the Scientific Committee, the recommendation was that the total limit be reduced to fifteen thousand five hundred units.

Mr. R.G.R. WALL (United Kingdom): I would propose that in paragraph 8(a) the word "sixteen" in line 4 should now read "fifteen thousand five hundred".

H.E. Professor B. BERGERSEN (Norway): I second that.

The CHAIRMAN: It is moved and seconded. The Secretary will read the resolution as it will appear.

The SECRETARY: The resolution which has been proposed and seconded is:

"that **in** paragraph 8(a) of the Schedule, line 4, 'sixteen thousand' should read 'fifteen thousand five hundred'."

I will poll that proposal.

U.S.A.: yes; U.K.: yes; U.S.S.R.: yes;  
Sweden: yes; South Africa: yes; Panama:  
yes; Norway: yes; New Zealand: yes;  
Netherlands: yes; Japan: yes; France: yes;  
Denmark: yes; Canada: yes; Brazil: yes;  
Australia: yes.

That is carried unanimously, with two nations not present.

The CHAIRMAN: Dr. Mackintosh ..

The CHAIRMAN: Dr. Mackintosh, I believe you have a few comments to make?

Dr. N.A. MACKINTOSH (United Kingdom): On the Scientific Report, Mr. Chairman? There were only one or two small points I wanted to mention. The Report was prepared in rather a hurry, since we did not finish the meeting of the Committee until one o'clock yesterday, and we wanted to have the Report duplicated in time for the afternoon meeting. There are one or two small mistakes and omissions which people might like to note.

On page 1, paragraph 5, the third line, "one Committee" should be "the Committee". On page 2 at the bottom there is an omission. We wanted to say, "It is recommended that the Sub-Committee should be convened by Professor Bergersen." I think it is proposed to have a Corrigendum slip circulated; but in case any of these things come up in the meeting, I thought I should bring them to your notice.

As we have already said, at the top of page 3 "15th" should be "16th". And in paragraph 11, the third line, I think "They" needs to be "The Committee".

There is one other point. At the very end, on page 4, I am asked to add that it has been intimated that the U.S.S.R. is also submitting to the Secretariat a Report on Russian research.

Mr. G.R. CLARK (Canada): I would like to mention one point in connection with the Scientific Committee's Report. On page 4 where it refers to extracts from research documents, I notice it says, "Excerpts from reports of the Fisheries Research Board of Canada, and from the Newfoundland Fisheries Research Station." I would like to point out that it should read: "Reports of the Fisheries Research Board of Canada". It is no longer a separate entity for Newfoundland; it is all one now, it has been for four years.

The CHAIRMAN: There appears to be one bit of unfinished business: that is the proposal for the convening of this Sub-Committee of the Scientific Committee, under which Professor Bergersen is the convener. Will someone make that proposal, please?

Mr. G.R. CLARK (Canada): I so move, Mr. Chairman.

The CHAIRMAN: It is proposed by Mr. Clark and seconded by Dr. Lienesch of the Netherlands.

The SECRETARY: It is proposed and seconded - I have just drafted out the words - that a Sub-Committee of the Scientific Committee be set up, to be convened by Professor Bergersen for the purposes set out in paragraph (d) on page 2 of the Scientific Committee's Report, the Sub-Committee to consist of representatives of Australia, France, the Netherlands, Japan, Norway, U.S.S.R., and U.K.

May I take it without a poll that that is unanimous?

H.E. Professor BERGERSEN (Norway): If it is possible - the U.S.A. also?

The SECRETARY: I thought the list had been carefully selected with a view to ensuring that the people would find it convenient to come. Australia, France, the Netherlands, Japan, Norway, U.S.S.R. and U.K. May I take it, without a poll, that there are no dissentients? That is carried unanimously.

Mr. Chairman, there are one or two points about that. In the earlier paper, that preliminary paper we had, I think it was suggested that the meeting should be held in Stockholm. I dare say people would like to know. It is to be convened by Professor Bergersen, I assume at Stockholm. It was also stated in that earlier paper, which was unofficial, that it would be in March. The reason I mention that particularly is because I happen to know the movements of one or two of the members appointed. I would like to know if it was the last half of March?

H.E. Professor BERGERSEN (Norway): Cannot we correspond about the date?

The SECRETARY: Very well.

I think there are one or two countries who possibly would like to nominate their members of this Committee now. I do not know whether Australia would be prepared to?

Mr. G.R.B. PATTERSON (Australia): No.

The SECRETARY: France?	-	Dr. Budker.
Netherlands?	-	Prof. Slijper.
Japan?	-	Dr. Omura.
Norway?	-	Prof. Bergersen.

Mr. V. TVERIANOVICH (U.S.S.R.): The nomination will be made later.

The SECRETARY: U.K.?	-	Dr. Mackintosh.
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That is all.

The CHAIRMAN: We now come to item 16 on the main Agenda, Any other Business.

Dr. N.A. MACKINTOSH (United Kingdom): Mr. Chairman, before you come to Any other Business, may I point out that I do not think we have taken the subject of Whale Marking, which is referred to in paragraph 10 of the Technical Committee's Report.

The CHAIRMAN: You are quite right, I beg your pardon.

Under item 8 of the Scientific Committee's Report, dealing with Whale Marking, "the Committee took note of Part II of the Scientific Report (Document III) and of the memorandum from the U.K. Delegation (Document XII)".

Would someone from the U.K. Delegation care to speak to this point?

Dr. N.A. MACKINTOSH (United Kingdom): Mr. Chairman, I would say a word or two about this. It has, of course, been brought up before.

Since the last meeting we have taken steps to get some whale marking done here and there. The work being done is noted in paragraph 9. I think the majority of whales which we hope to mark are humpbacks in the winter whaling season, when they are on the north migration. It may be that some very good marking can be done, and we may get some substantial results from it.

Although arrangements have been made for a small amount of marking in the Antarctic by co-operation with the National Institute of Oceanography and by the U.S.S.R. as well, we have not really made arrangements for marking any large numbers of whales in the Antarctic. There has been the suggestion that a modern whale catcher might be available, before the opening of the season, perhaps for a month or so, in which time possibly some herds of whales might be marked.

The National Institute of Oceanography would be prepared to supply the equipment, and send a representative to gain experience of whale marking; but we have not yet found the means of actually laying on this proposal.

It may be a thing that we cannot very well sort out in this plenary session, but I thought I ought to mention that.

H.E. Professor B. BERGERSEN (Norway): The Norwegian companies agree to offer a boat, a catcher, and they will pay their share of the expedition.

The CHAIRMAN: That is very good news. Any further comments?

Dr. N. A. MACKINTOSH (United Kingdom): Perhaps I ought to add that the memorandum by the United Kingdom Delegation gave a proposal for a possible way of overcoming the financial difficulties if the catcher cannot be supplied on loan by the whaling companies.

The CHAIRMAN: Is the Commission content to take note of this comment on the state of whale marking?

We have accepted the Scientific Report; it would seem to me that would settle that point.

May we then come to 16. Any other Business.

Mr. G. R. CLARK (Canada): Mr. Chairman, under the item Any other Business, I would like to draw to the attention of the Commission the charts which were furnished under Document XIX, showing the catches of whales, the historical catches of whales from the Pacific coast of North America.

You will recall that we had a very good discussion on that very question of the North Pacific and the operation of factory ships last year. I do not intend to labour the matter at this stage, but I thought I should say something following last year's discussion.

In our view the charts clearly indicate to us that there is a downward trend in the stocks of whales in the North Pacific area. During all of this session of the Commission there has been deep concern about the downward trends in the Antarctic particularly, but little has been said about any other areas, excepting some very minor instances, particularly humpbacks.

So far as Canada is concerned, we take quite a serious view of the situation in the North Pacific, particularly if there is to be any large scale operations of factory ships. We also realise, of course, that in all of those considerations there must be a balance between the scientific proposals put forward, insofar as conservation measures are concerned, but that balance of course must be maintained so that the commercial operations can operate profitably. There is little sense to us, in our concept of the word conservation, to merely conserve a stock of whales or fish and just leave them in the sea. Our conception of conservation and propagation is that they must be fully exploited to the maximum, at the same time giving continuity of the supply without endangering the supply.

In other words, if there are danger signals, then it seems to me that this Commission's duty is to study carefully those danger signals before any serious deletion takes place. I think in recent months there have been some articles that I have read, for instance Dr. Omura's recent paper and his colleagues', which appeared in the April issue of the Norwegian Whaling Gazette which was called "Whaling in the Adjacent Waters of Japan." In my reading of that I think the Japanese Government did show concern in past years about the operation of factory ships in the whaling areas close to Japan.

There seems to be some considerable evidence that the whaling stocks, regardless of where they are, are of one particular family. In other words, there apparently is not too much migration. I was interested in hearing Dr. Mackintosh the other day, in our joint meeting, express a similar view that even in the areas of the Antarctic apparently there was not too much movement of the whales from one area to the other.

It is our belief that so far as the stocks in the North Pacific area are concerned, they are pretty well distributed on a geographical basis. I think too it is one of the theories of some societies that as a rule migratory birds and migratory land mammals form distinctly separate geographical tribes. If that is true also of whales, it would perhaps explain much of the historical experience in whaling. In other words, you may clean out one particular area, but there is no flow from another to go in so that it replenishes that particular stock that has been depleted.

Also, in connection with that, I should imagine, like any other form of wild life or fish, it is dependent on the stocks of food. These animals, fish or whales will no doubt move if there is a lack of food. That will probably be the only thing that forces them out. But natural mortality will create considerable depletion in the stocks.

If factory ships are operated extensively, then, because of their mobility, so far as we are concerned, we consider that there is grave danger in the particular area in which we are interested.

So therefore, Mr. Chairman, as I said, I do not want to labour this point again this year, but I submit these charts on the North Pacific for the study of the Scientific Committee, and I would particularly ask if some consideration could be given by the Scientific Sub-Committee at its meeting next Spring; because I should perhaps warn you now that, maybe next year or in some future years, Canada intends to re-submit its proposal to prohibit the use of factory ships in the North-east Pacific.

Mr. A. KODAKI (Japan): We have in mind the conservation of whale stocks in the North Pacific, but at this time we have prepared three reports which I desire to distribute to the Members of this Commission. Unfortunately, these reports have not arrived. They were sent by air two weeks prior to our departure, but by some mishap they have not arrived.

One is the Biological Investigation of the Northern Pacific Baleen Whales Caught by the Japanese Whaling Fleet in 1952; another is the Study of Maturity and Blubber Thickness of the Whales caught in the Adjacent Waters of Japan; and the last one is the Report on Whale Marking in Japan, No. IV.

I do not know how to dispose of them. Would it be all right for the Secretary if we sent in these reports as soon as they arrive in London?

The SECRETARY: If you would. I take it there will be enough to send one to everybody in the room, or only to Commissioners?

Mr. A. KODAKI (Japan): We sent out fifty copies of each.

The SECRETARY: Thank you very much. If you will have them sent to this office, I will see they are distributed.

The CHAIRMAN: Thank you, Mr. Kodaki.

Any further observations?

Dr. Finn, it has been customary for the representative of the F.A.O. to tell us what he thinks.

Dr. D. B. FINN (F.A.O.): Mr. Chairman, first I welcome the opportunity of conveying to you, and to the Commission, the thanks of the Food and Agriculture Organization for the courtesy of extending to us the invitation to be present as an observer.

We have been interested in this Commission since its inception, and although it has not been my privilege to attend all the sessions, I have attended a great many, and I have followed the proceedings very carefully.

I might say that I consider this to be one of the best meetings that the Commission has held. I feel I must offer congratulations to the Commission for the realistic way in which it has tackled the very difficult problems, both scientific and commercial, that it faces. It is, I think, very encouraging to see the emergence of a plan of action, of management, based upon scientific advice. I think that we all realise that there is a very great lack of data, and that a very great deal more has to be done before you can really know that you are operating in a sound way. But it is very encouraging to note that in your Scientific Committee positive plans of action are being laid in order to remedy this defect.

The Food and Agriculture Organization is vitally interested, of course, in this Commission and its work, because your responsibility, we think, goes far beyond the devising of wise utilisation, wise commercial management, of a very large industry. I think that the Commission and the industry is the custodian of a tremendous food resource. I feel that this food resource will be expanding, and that the utilisation of the product will expand.

I might say that, as you know probably, the population of the world is increasing to the order of about thirty millions a year. To provide new food for this thirty millions, as well as to improve the diets of people who are already here, constitutes one of the very important economic and social problems. Therefore, that explains our interest, and it explains for instance why we, in our publications, draw attention to this possible food resource.

I think I might say that the eyes of the world are increasingly coming to bear upon the activities of this Commission, because it has this tremendous responsibility.

I feel that if you continue as you are continuing, you will make an even greater contribution to the welfare of people by the utilisation, let us say, of products which are not now used.

The most significant one, of course, is the 325,000 metric tons of protein which is now used to fertilise the sea and which we hope eventually might be used directly by man himself. We all realise that the technological advances and the commercial difficulties in bringing this about are very great; but it is encouraging again to see that nations are turning their attention to the solution of these problems, and it is my belief that in time a much greater utilisation of the products of the whaling industry will come about.

As I say, I am sure most people who read the proceedings of this Meeting will be at one with me in saying that this is a very encouraging sign, the way in which you attack the difficult problems you have.

Once again, I would like to thank you, Sir, and the Commission for the courtesy which you have done me.

The CHAIRMAN: Does I.C.E.S. have something...

The CHAIRMAN: Does I.C.E.S. have something to say, Dr. Lienesch?

Dr. G.J. LIENESCH (Netherlands): On behalf of the International Council for the Exploration of the Sea, I would like to thank this Commission for giving us the opportunity of attending this meeting.

Mr. R.G.R. WALL (United Kingdom): I apologise for having to leave the meeting, but under "Any Other Business" may I be permitted to raise one point for the future? Perhaps for our meeting next time. I understand that helicopters, and perhaps other types of aircraft, are at present being used for searching for whales, even if only on an experimental basis. The time may conceivably come, and I understand experiments are being carried out on this, when helicopters and other forms of aircraft may be used for killing whales. Under the existing Convention, Article II, the definition of "whale catcher" is essentially a ship. I think that under that, and any other definition, there is no provision for the control of aircraft or helicopters. I want to suggest that we need to pay attention to that against the future and take time by the forelock, and perhaps between now and the next meeting might it be possible, say through the Drafting Committee, for some attention to be given to this point, so that it might be laid on our Agenda next year.

The SECRETARY: It is not on the Agenda, but it is usual for this meeting to desire some form of press notice to go out after the meeting is over. As you know, in the last two years, this year and the previous year, we have been fortunate in having the services of the Ministry's Press Officer, who has kept the press away from embarrassing interviews. A preliminary notice was issued by the Press Officer of the Ministry of Agriculture and Fisheries which was similar to last year's. I asked him to refrain from issuing any further notice until it had, at all events, been approved by this Commission. I have been working on a press notice, and frankly it could not be completed until this moment. I do not know if it can be completed now. There is very little we can say with regard to the important action we have taken, because all that has to be submitted to Contracting Governments, and we have to wait for ninety days. If what we had done got about before that ninety days had expired, and the amendments became effective, a serious position might arise.

The point I put to you is this, would you be content - I have drafted a press notice which is being copied now, but I do not suggest it is quite complete - would you be content to allow the discretion of the terms of this press notice to rest in the hands of the Chairman, in consultation with the Ministry's Press Officer? (Agreed)

The CHAIRMAN: Is there any other business to come before the Commission?

Dr. J.L. KASK (United States): I feel that this meeting is about to wind up, and I would just like to draw attention to a few matters that have occurred to me during this meeting.

I said the other day that in the view of this delegation, the International Whaling Commission had come to a point of decision. I think that we have taken that decision, and I am very happy and proud that we are now beginning to take directions and march down the path that is indicated by our scientific investigations. I would like to say again, as I have said in the past, that I have been associated with many other Commissions - I am a Commissioner on four other commissions besides the Whaling Commission, very successful ones, but in no case have I seen so much delivered to so many for so little.

I would like to thank again Professor Bergersen for his labours on the Special Committee on Scientific Research. It is on the basis of their careful studies, long hours of deliberations and their courageous recommendations that we have been able to take a positive step this year. I would like to extend special thanks from this delegation and, I am sure, from the Commission, to Professor Bergersen and his colleagues.

I would also like to commend again Mr. Vangstein and his staff for preparing a great number of tables which must have taken more preparation than any of us here can appreciate. When we pick up this blue book of papers, and realise the use that has been made of them, I am sure Mr. Vangstein must feel in his own heart too that his labours were not wasted.

There is one other small matter that I thought might deserve some notice. I have heard some rather careless use of words in this Commission sometimes, words like 'silly', 'stupid', have been tossed around with some gay abandon. I do not think, and I have not been able to bring myself to believe that these words, the meaning of which I think is fairly clear, are confined to brilliant statisticians, eminent scientists and government commissions. I think the application is even a little wider than that.

I also think we should thank the industry for participating in these meetings. It is a very healthy sign that they have been as co-operative as they have been, because every action taken by this Commission has financial consequences upon them.

Then I would like to thank my fine colleague and Chairman for his good work. I came along this time to help him. He is the Commissioner, though I have been making noises as if I was one! This is my final meeting at the Commission, and I wish all my colleagues here God speed and good courage to carry on.

Mr. F. H. CORNER (New Zealand): Mr. Chairman, I would like to add to that a tribute to your excellent chairmanship, which has carried these meetings through so quickly and effectively.

A word of thanks also to our Secretary, Mr. Dobson, and to the people who have assisted him, and ensured that we got through a heavy agenda in a very easy and friendly fashion.

The SECRETARY: I am very grateful to the Commission for still continuing to employ me. But the thanks on this occasion I would like directed to the gentlemen of the Ministry who stand on the order paper and who have assisted me. For some unknown reason Mr. Turner's name is not there, and he has handled all the paper; and I believe you have had all the papers you required up to the present time.

The CHAIRMAN: Any other comments?

Well, as Chairman, on behalf of the Commissioners and their Delegations, I personally wish to thank the girls and staff who have prepared the papers and the documents for this Meeting.

In particular I want to call attention to the ad hoc committee which met in Stockholm with Professor Bergersen as convener. This group provided the basic analysis of the data relating to the conditions of whale stocks.

We are particularly indebted to the International Bureau of Whaling Statistics for the tables in the blue folder that you already have on the table. Without this data it is unlikely that we would have finished our work today.

The success of these Meetings has in a large measure been attributable to the reports and recommendations received from the Finance and Administration Committee, the Technical Committee and the Scientific Committee. The Chairmen and members of these Committees have worked hard and diligently. I ask you to join me, as Chairman, in expressing my appreciation of the wholehearted co-operation I have received from all Delegations.

I ask your indulgence for whatever mistakes I may have made as your Chairman at this Meeting and, in closing, I wish to acknowledge again the appreciation of the Commission for the assistance and co-operation received from the Ministry of Agriculture and Fisheries.

(The SECRETARY made an announcement about distribution of documents and also Press photographs)

The CHAIRMAN: I think we may stand adjourned.

(The Meeting closed at 12.40 p.m.)