

REGULATION OF WHALING

Protocol signed at London November 26, 1945, amending and extending agreement of June 8, 1937, as amended

Senate advice and consent to ratification July 30, 1946

Ratified by the President of the United States August 12, 1946

Ratification of the United States deposited at London August 30, 1946

Entered into force with respect to articles 2, 3, 4, 6(1), 6(2), 7, and 8 April 4, 1946; for the United States August 30, 1946

Entered into force in its entirety (in accordance with terms of supplementary protocol of March 3, 1947¹) March 3, 1947; for the United States August 1, 1947

Articles 2, 3, 4, 6(1), 6(2), 7, and 8 proclaimed by the President of the United States February 10, 1947

Extended by protocol of December 2, 1946;² supplemented by protocols of March 15, 1946,³ and March 3, 1947¹

Expired at end of 1947/48 whaling season⁴

61 Stat. 1213; Treaties and Other
International Acts Series 1597

PROTOCOL

THE Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Desiring, in view of the fact that pelagic whaling operations in the area defined by Article 7 of the international Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937⁵ (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June, 1938⁶ (hereinafter referred to as the Protocol of 1938), have been interrupted for a considerable period by the war, and in order to meet the emergency produced by post-war conditions without prejudice

¹ TIAS 1634, *post*, vol. 4.

² TIAS 1708, *post*, vol. 4.

³ British Treaty Series 44 (1946). The United States did not become a party.

⁴ The whaling season is defined in art. 1 as covering the period from Dec. 8 to Apr. 7 inclusive.

⁵ TS 933, *ante*, p. 455.

⁶ TS 944, *ante*, p. 519.

to the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary in regard to pelagic whaling for the season 1946/47;

Have agreed as follows:

ARTICLE 1

Subject to the provisions of Article 3 of the present Protocol, the period fixed by Article 7 of the Principal Agreement, during which factory ships or whalecatchers attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the season 1946/47 so as to cover the period from the 8th December to the 7th April inclusive.

ARTICLE 2

Each contracting Government shall give notice to the Government of the United Kingdom when factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom will inform the other contracting Governments of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

ARTICLE 3

The prohibition contained in Article 1 of the Protocol of 1938 relating to the taking of hump back whales in any waters south of 40° south latitude shall apply during the season of 1946/47.

ARTICLE 4

(1) During the season of 1946/47 the number of baleen whales caught in the area defined by Article 7 of the Principal Agreement shall not exceed 16,000 blue whale units.

(2) For the purposes of paragraph 1 of this Article blue whale units shall be calculated on the basis that one blue whale equals—

- (a) Two fin whales or
- (b) Two and a half hump back whales or
- (c) Six sei whales.

(3) Each contracting Government undertakes to ensure that the International Bureau for Whaling Statistics shall be provided, within two days after the end of each calendar week, with data on the number of blue whale units caught by each factory ship under the jurisdiction of the said

Government in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom shall consult from time to time with the International Bureau for Whaling Statistics and if it should appear that the annual quota provided by paragraph (1) of this Article may be reached before the 7th April, the International Bureau for Whaling Statistics shall be requested to determine, on the basis of the data provided, the date on which the annual quota of blue whale units shall be deemed to have been reached and to notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales shall be illegal after the date so determined.

ARTICLE 5

The provisions of Article 3, paragraph (2), of the Protocol of 1938, regarding the operation of factory ships as land stations in the territorial waters of any contracting Government, shall not apply during the period from 1st May, 1947, to 31st October, 1947, inclusive.

ARTICLE 6

(1) In the present Protocol the following expressions shall have the meanings assigned to them in Article 18 of the Principal Agreement: "factory ship," "whalecatcher," "land station," "baleen whale," "blue whale," "hump back whale," "fin whale."

(2) Sei whale means, for the purposes of this Protocol, any whale known by the name of *balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale.

(3) The expression "land station" shall, for the purposes of Article 5 of the present Protocol, include a factory ship the movements and anchorage of which are confined to the territorial waters of any contracting Government.

ARTICLE 7

(1) The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom; and it shall be open to accession on behalf of any Government which is a party to the Principal Agreement and the Protocol of 1938 and has not signed the present Protocol.

(2) Accession shall be effected by notification addressed to the Government of the United Kingdom.

(3) The Government of the United Kingdom shall inform the Governments which are parties or signatories to the present Protocol of all ratifications of this Protocol or accessions thereto.

ARTICLE 8

(1) The present Protocol shall come into force in its entirety when all the Governments referred to in the Preamble hereof shall have deposited their instruments of ratification or given notifications of accession.

(2) The provisions of this Article and Articles 2, 3, 4, 6(1), 6(2) and 7 of the present Protocol shall, when instruments of ratification have been deposited by at least three signatory Governments, become binding on those Governments and shall become binding on each other Government which subsequently ratifies or accedes, on the date of the deposit of its instrument of ratification or notification of its accession.

(3) The ratification of or accession to the present Protocol by a Government which is not a party to the Principal Agreement and the Protocol of 1938 shall not become effective until such Government becomes a party to that Agreement and the Protocol of 1938.

ARTICLE 9

The present Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of 14 days thereafter.

In witness whereof the undersigned plenipotentiaries being duly authorised to this end by their respective Governments have signed the present Protocol.

Done at London this 26th day of November, 1945, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom, by whom certified copies will be transmitted to all the Governments referred to in the preamble.

For the Government of the Union of South Africa:

A. P. VAN DER POST

For the Government of the Commonwealth of Australia:

J. S. DUNCAN

For the Government of Canada:

VINCENT MASSEY

For the Government of Denmark:

P. F. ERICHSEN

For the Provisional Government of the French Republic:

NOËL HENRY

For the Government of the United Mexican States:

ALFONSO DE ROSENZWEIG DIAZ

For the Government of Norway:

E. TEIXEIRA DE MATTOS

For the Government of New Zealand:

R. M. CAMPBELL

For the Government of Norway:

BIRGER BERGERSEN

For the Government of the United Kingdom of Great Britain and Northern Ireland:

A. T. A. DOBSON

J. E. DE WATTEVILLE

For the Government of the United States of America:

REMINGTON KELLOGG

IRA N. GABRIELSON