

**UNION OF SOUTH AFRICA,
AUSTRALIA, CANADA,
DENMARK, FRANCE, etc.**

Protocol amending the International Agreement of 8 June 1937, and the Protocol of 24 June 1938, for the regulation of whaling, signed at London, on 26 November 1945, and Supplementary Protocol regarding the entry into force of the Protocol of 26 November 1945, signed at London, on 3 March 1947

English official text communicated by the Permanent United Kingdom Representative to the United Nations. The registration took place on 26 November 1947.

**UNION SUD-AFRICAINE,
AUSTRALIE, CANADA,
DANEMARK, FRANCE, etc.**

Protocole modifiant l'Accord international du 8 juin 1937 et le Protocole du 24 juin 1938 pour la réglementation de la chasse à la baleine, signé à Londres, le 26 novembre 1945, et Protocole additionnel concernant l'entrée en vigueur du Protocole du 26 novembre 1945, signé à Londres le 3 mars 1947

Texte officiel anglais communiqué par le représentant permanent du Royaume-Uni auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 26 novembre 1947.

No. 148. PROTOCOL¹ AMENDING THE INTERNATIONAL AGREEMENT OF 8 JUNE 1937, AND THE PROTOCOL OF 24 JUNE 1938, FOR THE REGULATION OF WHALING. SIGNED AT LONDON, ON 26 NOVEMBER 1945

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, 1937² (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June, 1938³ (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 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

¹ Came into force on 3 March 1947, by signature of the Supplementary Protocol (see page 52 of this volume).

² League of Nations, *Treaty Series*, Volume CXC, page 79.

³ League of Nations, *Treaty Series*, Volume CXCVI, page 131.

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 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 notification 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, becoming 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.¹

(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

¹ The following Governments have deposited their instruments of ratification or accession:

<i>Signatory States</i>	<i>Date of deposit of instrument of ratification</i>
United Kingdom	29 March 1946
Australia	23 July 1946
New Zealand	7 March 1946
Union of South Africa	11 December 1946
Denmark	10 April 1946
France	24 October 1946
Norway	4 April 1946
United States	30 August 1946
<i>Acceding State</i>	<i>accession</i>
USSR	25 November 1946

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 the Netherlands:
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

SUPPLEMENTARY PROTOCOL SIGNED AT LONDON, ON 3 MARCH
1947, REGARDING THE ENTRY INTO FORCE OF THE
WHALING PROTOCOL OF 26 NOVEMBER 1945

The Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, New Zealand, Norway, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics,

Having ratified or acceded to the Protocol signed in London on 26th November, 1945¹ (hereinafter called "The Protocol"), amending the International Agreement for the Regulation of Whaling signed in London on 8th June, 1937,² as amended by the Protocols of 24th June, 1938,³ and 7th February, 1944⁴;

Considering that it is provided under paragraph (i) of Article VIII of the Protocol that the Protocol shall come into force in its entirety when all the Governments referred to in the preamble of the Protocol shall have deposited their instruments of ratification or given notification of accession;

Considering further that ratifications or accessions have been deposited on behalf of all the Governments referred to in the preamble of the Protocol with the exception of the Governments of Mexico and the Netherlands; and

Desiring that the Protocol should be brought into force in its entirety without awaiting ratification by the Governments of Mexico and the Netherlands;

Have decided to conclude a Supplementary Protocol for this purpose and have agreed as follows:—

Article I

Notwithstanding the provisions of paragraph (i) of Article VIII of the Protocol, the Protocol shall, on the signature of the present Supplementary Protocol, come into force with respect to Governments signing the present Supplementary Protocol immediately upon signature by them.

Article II

The present Supplementary 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, duly authorised by their respective Governments, have signed the present Supplementary Protocol, done in London this 3rd day of March, 1947, in a single copy, which shall be deposited in the archives of the Government of the United Kingdom and of which certified copies shall be transmitted to all the signatory Governments.

¹ See page 44 of this volume.

² League of Nations, *Treaty Series*, Volume CXC, page 79.

³ League of Nations, *Treaty Series*, Volume CXCVI, page 131.

⁴ Great Britain, *Treaty Series* No. 61 (1946), Cmd. 6990.

For the Government of the Union of South Africa:
Eugene K. SCALLAN

For the Government of the Commonwealth of
Australia:

John A. BEASLEY
Subject to approval

For the Government of Canada:
N. A. ROBERTSON

For the Government of Denmark:
E. REVENTLOW

For the Government of France:
Jean LE ROY

For the Government of New Zealand:
W. J. JORDAN

For the Government of Norway:
P. PREBENSEN

For the Government of the United Kingdom:
O. G. SARGENT

For the Government of the United States of America:
W. J. GALLMAN
Subject to ratification

For the Government of the Union of Soviet Socialist
Republics:
G. ZARUBIN
