

No. 11983

**UNITED STATES OF AMERICA
and
JAPAN**

**Agreement concerning an international observer scheme for whaling
operations from land stations in the North Pacific Ocean.
Signed at Tokyo on 26 April 1972**

Authentic texts : English and Japanese.

Registered by the United States of America on 26 September 1972.

**ÉTATS-UNIS D'AMÉRIQUE
et
JAPON**

**Accord relatif à la mise sur pied d'un groupe d'observateurs
internationaux pour les opérations de chasse à la baleine
menées à partir de stations terrestres dans la partie nord de
l'océan Pacifique. Signé à Tokyo le 26 avril 1972**

Textes authentiques : anglais et japonais.

Enregistré par les États-Unis d'Amérique le 26 septembre 1972.

AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND JAPAN CONCERNING AN INTERNATIONAL OBSERVER SCHEME FOR WHALING OPERATIONS FROM LAND STATIONS IN THE NORTH PACIFIC OCEAN

The Government of the United States of America and the Government of Japan, being Parties to the International Convention for the Regulation of Whaling, signed at Washington on December 2, 1946² (hereinafter referred to as “the Convention”);

Proceeding from their mutual concern for the conservation of whale stocks in the North Pacific Ocean, for the maintenance of the proper productivity of whaling from land stations and for the rational conduct of whaling operations;

Have agreed on the following scheme for International Observers at land stations or groups of land stations in the North Pacific Ocean pursuant to paragraph 1(c) of the schedule to the Convention :

Article 1

The purpose of this scheme is to maintain surveillance of whaling from land stations in the North Pacific Ocean whenever whales are being delivered to the land stations or are being processed at such stations.

Article 2

Observers shall be responsible to the International Whaling Commission (hereinafter referred to as “the Commission”) and shall be appointed in accordance with the following provisions :

- (a) Each Government shall have the right to nominate to the Commission as many observers of its nationality as there are land stations or groups of land stations under the jurisdiction of the other Government.
- (b) From the observers so nominated, the Commission shall appoint one observer to a land station or group of land stations engaged in whaling in the North Pacific Ocean. Each Government shall decide the grouping of land stations under its jurisdiction after consultation with the other Government and shall notify the Commission of the decision.

¹ Came into force on 26 April 1972 by signature, in accordance with article 6.

² United Nations, *Treaty Series*, vol. 161, p. 72.

- (c) The Commission shall inform both Governments of all appointments made under subparagraph (b) of this paragraph.

Article 3

(1) When an observer is at the land station or group of land stations to which he is appointed, he shall have the status of a senior official. Each Government receiving observers shall take appropriate measures to ensure the security and welfare of the observers and interpreters in the performance of their duties, to provide them with medical care and assistance, and to safeguard their freedom and dignity.

(2) An observer shall not be invested with any administrative power in regard to the activities of the land station or group of land stations to which he is appointed, and shall have no authority to interfere in any way with those activities. He shall neither seek nor receive instructions from any authority other than the Commission. He shall be given the necessary facilities for carrying out his duties, including cabling facilities.

(3) An observer shall be enabled to observe freely the operations of the land station or group of land stations to which he is appointed, so that he may verify the observance of the provisions of the Convention in regard to the taking of whales and their rational utilization. In particular, the observer shall be given facilities to ascertain the species, size, sex, and number of whales taken.

(4) All reports required to be made, and all records and data required to be kept or supplied in accordance with the schedule to the Convention, shall be made freely and immediately available to observers for examination, and they shall be given all necessary explanations as regards such reports, records and data.

(5) The manager, or senior officials of any of the land stations, or the national inspectors, shall supply any information that is necessary for the discharge of the observer's functions.

(6) When there is reasonable ground to believe that any infraction of the provisions of the Convention has taken place, it shall be brought in writing to the immediate notice both of the manager of the land station and of the senior national inspector by an observer, who shall, if he deems it sufficiently serious, at once transmit it to the Secretary to the Commission together with the explanation or comments of the manager of the land station and the senior national inspector.

(7) An observer shall draw up a report covering his observations, including possible infractions of the provisions of the Convention which have taken place, and shall submit it both to the manager of the land station and to the senior national inspector for information and such explanations and comments as they wish to make. Any such explanations and comments shall be attached to the observer's report, which shall be transmitted to the Secretary to the Commission as soon as possible.

Article 4

Any observer who does not know the language of the country whose Government receives him must be accompanied by an interpreter.

Article 5

(1) Each Government which nominates observers who are appointed to the land stations or groups of land stations shall pay the salary and other emoluments, travel, cable costs, subsistence and accommodation and other necessary expenses of those observers.

(2) When it is necessary that an observer be accompanied by an interpreter, the salary and other necessary expenses of that interpreter shall be paid by the Government nominating the observer.

Article 6

The present Agreement shall enter into force on the date of signature and remain in force until February 28, 1973.

Article 7

The two Governments shall, before the date of termination of the present Agreement, consult in order to decide on future arrangements.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Tokyo, in duplicate, in the English and Japanese languages, the two texts having equal authenticity, this 26th day of April, 1972.

For the Government
of the United States of America :

[Signed — Signé]¹

For the Government
of Japan :

[Signed — Signé]²

¹ Signed by Robert S. Ingersoll — Signé par Robert S. Ingersoll.

² Signed by Takeo Fukuda — Signé par Takeo Fukuda.