

No. 12264

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**AUSTRALIA**  
**and**  
**SOUTH AFRICA**

**Agreement concerning an international observer scheme for land-based whaling stations. Signed at Pretoria on 13 December 1971 and at Cape Town on 24 December 1971**

*Authentic text : English.*

*Registered by Australia on 18 January 1973.*

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**AUSTRALIE**  
**et**  
**AFRIQUE DU SUD**

**Accord relatif à l'établissement d'un système international d'observation des stations baleinières terrestres. Signé à Pretoria le 13 décembre 1971 et au Cap le 24 décembre 1971**

*Texte authentique : anglais.*

*Enregistré par l'Australie le 18 janvier 1973.*

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA CONCERNING AN INTERNATIONAL OBSERVER SCHEME FOR LAND-BASED WHALING STATIONS

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The Government of the Commonwealth of Australia and the Government of the Republic of South Africa, being Parties to the International Convention for the Regulation of Whaling (hereinafter referred to as "the Convention"), signed at Washington on 2 December, 1942,<sup>2,3</sup>

Desiring to implement a scheme for international observers for land-based whaling stations so as more effectively to carry out the provisions of the Convention,  
Have agreed as follows :

*Article I.* (a) For the whaling year 1972, and for each whaling year thereafter for the duration of this Agreement, an observer shall be nominated by each Contracting Party and appointed by the International Whaling Commission (hereinafter referred to as "the Commission") for the land-based whaling stations of the other Contracting Party.

(b) A Contracting Party may nominate successive observers for successive parts of a whaling season. Each Contracting Party shall ensure that an observer is nominated at all times during a season.

*Article II.* (a) The observer of each Contracting Party shall have the status of a senior official. Appropriate measures shall be taken by the receiving Government to provide every courtesy to the observers and to ensure their security and welfare in the performance of their duties.

(b) An observer is not invested with any administrative power in regard to the activities of any station, and shall have no authority to intervene in any way in those activities.

(c) The observer shall at all times be responsible to the Commission, and shall neither seek nor receive instructions from any authority other than the Commission. The observer shall be given the necessary facilities for carrying out his duties, including cabling facilities.

(d) Each Contracting Party shall ensure that the observer may observe freely the operations of any station so that he may verify the observance of the provisions of the Convention and its schedule in regard to the taking of whales and their utilisation. In particular the observer shall be given facilities to ascertain the species, size, sex, and number of whales taken.

(e) Each Contracting Party shall ensure that all reports required to be made, and all records required to be kept or supplied in accordance with the schedule of the

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<sup>1</sup> Came into force on 24 December 1971 by signature, in accordance with article IV (a).

<sup>2</sup> Should read "1946".

<sup>3</sup> United Nations, *Treaty Series*, vol. 161, p. 72.

Convention shall be made freely and immediately available to observers for examination, and that observers shall be given all necessary explanations as regards such reports, records and data.

(f) The manager or senior officials of any station or the national inspectors appointed in accordance with the provisions of the Convention shall supply all information necessary for the discharge of the observer's function.

(g) Where an observer has reasonable grounds for believing that any infraction of the provisions of the Convention has taken place he shall immediately notify in writing the manager of the station and the senior national inspector. The observer shall, if he considers it sufficiently serious, inform the Commission of the said infraction as soon as possible and shall at the same time report the explanation or comments of the manager of the station and the senior national inspector.

(h) The observer shall draw up a report covering his observations including possible infractions of the provisions of the Convention and the schedule which have taken place during the season or part of the season in which he served as an observer, and shall submit it both to the manager of the station and to the senior national inspector for information and such explanation or comments as they may wish to make. All such explanations and comments shall be attached to the observer's report which shall be transmitted to the Government nominating the observer.

The Government shall immediately forward the report, with any comments it considers appropriate, to the Secretariat of the International Whaling Commission.

*Article III.* (a) Each Contracting Party shall pay the salary and other emoluments, travel and cable costs of the observer nominated by it.

(b) Each Contracting Party shall provide to the observer at cost subsistence and accommodation appropriate to the status of the observer together with medical care and assistance where necessary.

(c) Each Contracting Party shall provide suitable local transport for the facilitation of the performance by the observer of his duties.

*Article IV.* (a) This Agreement shall enter into force on the date of signature by both parties and shall remain in force until terminated in accordance with the provisions of paragraph (c) or (d) of this article.

(b) The observer scheme envisaged in articles I and II of this Agreement shall operate only while a similar scheme is operative between the Northern Hemisphere members of the International Whaling Commission engaged in whaling.

(c) Before 31 December 1972, either Contracting Party may give notice in writing through the diplomatic channel that this Agreement will be terminated on that date.

(d) After 31 December 1972, either Contracting Party may at any time give the other Contracting Party notice in writing through the diplomatic channel of its desire to terminate the Agreement and the Agreement shall cease to have effect 180 days after the date of such notice by the other Contracting Party.

(e) Consultations on the operation of this Agreement shall take place between the Contracting Parties within 30 days of a request made by either Contracting Party through the diplomatic channel.

IN WITNESS WHEREOF the undersigned being duly authorised by their respective Governments have signed and sealed the present Agreement.

DONE at Cape Town in duplicate in the English language on the twenty-fourth day of December one thousand nine hundred and seventy-one.

[Signed — Signé]<sup>1</sup>

For the Government of the Commonwealth of Australia

DONE at Pretoria in duplicate in the English language on the thirteenth day of December one thousand nine hundred and seventy-one.

[Signed — Signé]<sup>2</sup>

For the Government of the Republic of South Africa

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<sup>1</sup> Signed by T. Wakeham Cutts — Signé par T. Wakeham Cutts.

<sup>2</sup> Signed by H. Muller — Signé par H. Muller.