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**CHILE, ECUADOR
and
PERU**

**Regulations for maritime hunting operations in the waters
of the South Pacific. Signed at Santiago on 18 August
1952**

Authentic text: Spanish.

Registered by Chile, Ecuador and Peru on 12 May 1976.

**CHILI, ÉQUATEUR
et
PÉROU**

**Réglementation de la pêche dans les eaux du Pacifique Sud.
Signée à Santiago le 18 août 1952**

Texte authentique : espagnol.

Enregistré par le Chili, l'Équateur et le Pérou le 12 mai 1976.

[TRANSLATION — TRADUCTION]

REGULATIONS¹ FOR MARITIME HUNTING OPERATIONS IN THE WATERS OF THE SOUTH PACIFIC

The delegates of Chile, Ecuador and Peru, meeting at the first Conference on the Exploitation and Conservation of the Marine Resources of the South Pacific, convinced of the urgent need to regulate whaling without delay,

Considering:

That it is the duty of Governments to ensure the conservation and protection of the whale fauna found in the South Pacific zone;

That the hunting of whales must be regulated in order to prevent intensive exploitation liable to cause the temporary or permanent extinction of this animal species, to the consequent detriment of the economies of the countries of the South Pacific;

That the operation of this industry from land stations in itself imposes a limitation on whaling because of the immovability of these stations and the narrow radius of action of whaling ships;

That land stations derive greater benefit from whaling than factory ships, since, in addition to the blubber, they also treat the meat and bones of whales for human and animal food;

Agree

To form a Provisional Permanent Commission and, in that capacity, lay down the following Regulations for whaling:

Article 1. Whaling in the South Pacific and, in particular, in the maritime zones situated within the sovereignty or jurisdiction of the signatory countries, either by coastal industries or by factory ships, shall be subject to the norms laid down by the Conference; the Permanent Commission of the Conference, in agreement with the Governments of the countries concerned, shall study and decide upon any change which is desirable to expand or improve such industries or to comply with future international commitments, without deviating from the statutes of the Conference.

Article 2. The authorities of the respective countries shall exercise control over whaling and supervise compliance with the provisions of these regulations, whether whaling operations are carried out from factory ships or from land stations.

Article 3. For the purposes of the preceding article, existing whaling enterprises, and any which may be established in the future, must inscribe their names on the special register of the Permanent Commission, stating the number and location of land stations, the number and type of whaling facilities they possess, and the number and characteristics of the ships or vessels which make up their floating stations.

Article 4. Pelagic whaling may be carried out in the maritime zone within the jurisdiction or sovereignty of the signatory countries only with the prior authorization of

¹ Came into force on 18 August 1952 by signature.

the Permanent Commission, which shall lay down the conditions to which such authorization shall be subject. This authorization must be granted with the unanimous agreement of the Commission.

The signatory countries shall establish the penalties applicable to persons who violate this provision.

Article 5. The hunting and treatment of whales in the maritime zone situated within the sovereignty or jurisdiction of the contracting countries from land stations may be carried out only by enterprises which are authorized for this purpose by the respective Government in accordance with the provisions of these Regulations.

Article 6. Any violations of these Regulations on the part of enterprises of the signatory countries shall be punished in accordance with the legislation in force in each country.

Article 7. The names of the crew of whaling ships and factory ships, and also of the technical personnel who provide their services in the land stations, must be inscribed on a special register which shall be maintained for the purpose by the Permanent Commission, indicating the enterprise for which each individual works.

Article 8. The hunting and treatment of grey or right whales shall be permitted only in cases where the meat and by-products of these whales are to be used exclusively for consumption by the local population. Whales under 10.70 metres in length may not be hunted under any circumstances.

Article 9. The hunting of lactating whales or suckling calves, and of females accompanied by their calves, shall be prohibited.

Article 10. The pelagic hunting of baleen whales in the maritime zone within the jurisdiction or sovereignty of the countries concerned shall be prohibited.

Article 11. The hunting and treatment of whales of less than the following minimum lengths shall be prohibited:

- (a) Blue whales..... 21.30 metres
- (b) Fin backs..... 16.80 metres
- (c) Sei whales..... 12.20 metres
- (d) Humpback whales..... 10.60 metres
- (e) Sperm whales..... 10.70 metres

Article 12. When the whale meat is to be used for human or animal food, the minimum lengths for land stations are reduced to the following:

- (a) 19.80 metres
- (b) 15.20 metres
- (c) 10.70 metres
- (e) 9.10 metres

Article 13. Whales must be measured when laid out on a deck or platform, as accurately as possible by means of a steel tape measure stretched to its full extent parallel to the whale's body. The two ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes.

Article 14. All whales caught must be delivered to the treatment station within 40 hours of being killed.

Article 15. All whales caught must be delivered and fully treated, with the exception of the fins, but including the internal organs.

Article 16. The skeletons of whales found abandoned do not have to be fully treated.

Article 17. The labour contracts for captains, crews and the gunners of factory and whaling ships shall contain provisions which link the amount of remuneration to the size and not to the number of whales caught. With regard to land personnel, their remuneration shall be linked with the productivity of their work. Under no circumstances shall remuneration be paid to the captains, gunners or crew of whaling ships for units caught in violation of the prohibitions contained in these regulations.

Article 18. All whaling enterprises shall be expressly required to communicate in writing to the respective authorities and to the Permanent Commission, within the first 15 days of each month, the following data concerning their whaling activities during the previous month:

- (a) Number of whales of each species caught;
- (b) Output of oil, foodstuffs, fertilizer and other products obtained;
- (c) The species and sex of the whales, their length, stage of pregnancy and the length and sex, if ascertainable, of the foetus;
- (d) All other information which can be obtained by captains through direct observation regarding the calving grounds and migratory routes of whales.

The competent authorities of each country shall assemble all the above-mentioned data, together with any other information they consider necessary on their whaling industries, and each year shall prepare a full report on the industry, and send a copy of it to the Permanent Commission, before 1 March of the year in question.

Article 19. The hunting and treatment of sperm whales or cachalots from land stations shall not be subject to periods of prohibition or limitation of number, except as provided in articles 9, 11 and 12.

Article 20. Before 1 September of each year, the signatory countries, after studying their needs, shall inform the Permanent Commission of the number of blue-whale units they intend to catch during the following calendar year, from 1 January onwards. On the basis of these statements from the signatory countries, the Permanent Commission shall officially determine, before 1 October, the annual quota for the hunting of baleen whales in the South Pacific.

Article 21. The annual quota for the hunting of baleen whales shall be established by blue-whale unit: the equivalent in oil content, compared with other baleen whales, is as follows:

- One blue-whale unit is equal to two fin whales
- One blue-whale unit is equal to two-and-a-half humpback whales
- One blue-whale unit is equal to six sei whales.

Article 22. The captains of ships belonging to the whaling industry must immediately inform the appropriate authorities by radio if, in the waters within the jurisdiction of the contracting countries, they observe whaling or factory ships flying under foreign flags, and must indicate in their messages the locations of such ships. Similarly, they shall report to the authorities any message they are able to intercept from whaling ships of other nationalities which they suspect to be engaged in whaling operations in jurisdictional waters.

Similar notification must be given at the same time to the Technical Offices of the Permanent Commission.

Article 23. The signatory Governments undertake to prohibit any whaling operations in the waters within their jurisdiction carried out in violation of the provisions of these Regulations.

Article 24. For the purposes of these Regulations, the following definitions shall be used:

(a) "Land station" means any factory or industrial establishment for the treatment of whales situated on the continental or island coasts of the respective countries.

(b) "Floating station" or "factory ship" means any ship equipped to treat on board the whales brought aboard it, provided that it travels in the sea under its own power or with a tug.

(c) "Baleen whale" means any whale other than a toothed whale.

(d) "Blue whale" means any whale known by the name of blue whale, Sibbald's rorqual or sulphur bottom.

(e) "Finback" means any whale known by the name of finwhale, herring whale or razorback.

(f) "Sei whale" means any whale known by the name of *Balaenoptera borealis* or Rudolphi's rorqual, and shall include the so-called *Balaenoptera brydei*.

(g) "Grey whale" means any whale known by the name of California grey, devil fish, hard head or mussel digger.

(h) "Humpback whale" means any whale known by the name of bunch, humpback whale, hump whale or hunchbacked whale.

(i) "Right whale" means any whale known by the name of Atlantic, Arctic or Biscayan right whale, bowhead, great polar whale, greenland whale, Nordkaper, North Atlantic whale, North Cape whale, Pacific whale, pigmy right whale, Southern pigmy or Southern right whale.

(j) "Sperm whale" means any toothed whale, cachalot, spermacet whale or pot whale.

(k) "Dawhale" means any dead whale found floating without any sign of ownership and which is not claimed.

(l) "Quota" means the maximum number of units which may be caught in each year by season.

Santiago, 18 August 1952.

[Signed]

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