

No. 18635

**UNITED STATES OF AMERICA
and
CANADA**

**Exchange of notes constituting an arrangement concerning
co-operation in an international observer scheme for
whaling. Ottawa, 3 and 4 April 1979**

Authentic text: English.

Registered by the United States of America on 18 April 1980.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

**Échange de notes constituant un arrangement relatif à la
coopération dans le cadre d'un système d'observation
internationale des opérations de chasse à la baleine.
Ottawa, 3 et 4 avril 1979**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 18 avril 1980.

EXCHANGE OF NOTES CONSTITUTING AN ARRANGEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA CONCERNING COOPERATION IN AN INTERNATIONAL OBSERVER SCHEME FOR WHALING

I

No. 70

The Embassy of the United States of America presents its compliments to the Department of External Affairs and, referring to the Department's aide-mémoire of March 13, 1979, has the honor to propose that the two governments, being parties to the International Convention for the Regulation of Whaling (hereinafter referred to as "the Convention") signed at Washington on December 2, 1946,² cooperate in an observer scheme for the spring 1979 bowhead whaling season in Alaska, United States of America. The Embassy would propose that the scheme operate on the following basis:

1. For the spring 1979 bowhead whaling season in Alaska, which is expected to commence in April and continue until mid-June 1979, the Government of Canada will nominate an observer for appointment by the International Whaling Commission (hereinafter referred to as "the Commission"), for the spring 1979 bowhead whaling season in six Alaskan Eskimo coastal villages.

2. A. The observer will have the status of a senior official. Appropriate measures will be taken by the Government of the United States of America to provide every courtesy to the observer and to ensure his security and welfare in the performance of his duties.

B. The observer is not invested with any administrative power in regard to the activities of the Alaskan whalers and will have no authority to intervene in any way in those activities.

C. The observer will at all times be responsible to the Commission, and will neither seek nor receive instructions from any authority other than the Commission. The observer will be given the necessary facilities for carrying out his duties.

D. The Government of the United States of America will take steps to permit the observer to observe the operations of the bowhead whaling hunt so that he may verify the observance of the provisions of the Convention and its schedule in regard to the taking of bowhead whales and their utilization. In particular, efforts will be made to allow the observer to ascertain the species, size, sex and number of whales taken although geographic separation of villages may not permit the observer to see each whale taken.

E. The Government of the United States of America will ensure that all reports made, and all records kept or supplied, in accordance with the schedule of the Convention and the relevant regulations of the United States of America, will be made freely and immediately available to the observer for examination, and that the observer will be given all necessary explanations as regards such reports, records and data.

F. The national coordinators will supply all information necessary for the discharge of the observer's function.

¹ Came into force on 4 April 1979, the date of the note in reply, in accordance with the provisions of the said notes.

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

G. Where the observer has reasonable grounds for believing that any infraction of the provisions of the Convention has taken place he will immediately notify in writing the senior national coordinator. The observer will, if he considers it sufficiently serious, inform the Commission of the said information as soon as possible and will at the same time report the explanation or comments of the senior national coordinator.

H. The observer will draw up a report covering his observations including possible infractions of the provisions of the Convention and schedule which have taken place during the season or part of the season in which he served as an observer, and will submit it to the senior national coordinator for information and such explanation or comments as the coordinator may wish to make. All such explanations and comments will be attached to the observer's report which will be transmitted to the Government of Canada. The Government of Canada will immediately forward the report, with any comments it considers appropriate, to the Secretariat of the International Whaling Commission.

3. A. The Government of Canada will pay the salary and other emoluments, travel to and from Anchorage, Alaska, and cable costs to the observer.

B. The Government of the United States of America will provide to the observer subsistence and accommodation appropriate to the status of the observer together with medical care and assistance where necessary while in Alaska.

C. The Government of the United States of America will also provide suitable local transport for the facilitation of the performance by the observer of his duties.

The Embassy has the honor to propose that, if the foregoing is acceptable to the Department of External Affairs, this note and the Department's reply should constitute an arrangement between the two governments effective on the date of the Department's reply.

The Embassy of the United States of America avails itself of this opportunity to renew to the Department of External Affairs the assurances of its highest consideration.

Ottawa, April 3, 1979

Embassy of the United States of America

II

DEPARTMENT OF EXTERNAL AFFAIRS MINISTÈRE DES AFFAIRES EXTÉRIEURES

CANADA

Note No. FLO-1223

The Department of External Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the Embassy's Note No. 70 of April 3, 1979, proposing that the two governments, being parties to the International Convention for the Regulation of Whaling signed at Washington on December 2, 1946, cooperate in an observer scheme for the spring 1979 bowhead whaling season in Alaska, United States of America. The Department of External Affairs accepts the scheme proposed by the Embassy and set out in its Note No. 70 of April 3, 1979.

The Department of External Affairs has the honour to inform the Embassy that it accepts the Embassy's proposal that its Note and this reply should constitute an arrangement between the two governments effective on the date of this reply.

The Department of External Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Ottawa, April 4, 1979
