

1946-Appendix V

List of Resolutions Passed by the Commission

Resolution 1

That the offices of the Commission shall, until otherwise decided, be located at the Fisheries Department. St. Stephens House, Victoria Embankment, London. S.W. 1.

Resolution 2

That the office arrangements shall be in accordance with the proposals outlined in the paper laid before the Commission and headed "Note on Finance".

Resolution 3

That, for the present, the administrative costs of the Commission (estimated for the first year at £1,200) shall be refunded by the Contracting Governments by equal contributions on demand by the Commission in accordance with the Rules of Procedure.

Resolution 4

That the fiscal year of the Commission shall extend from 1st June to 31st May in each year.

Resolution 5

That, where it is so desired by the Commissioner concerned, communications which would normally go direct to the Commissioner, shall be sent to the Contracting Government of his country, for transmission to him.

Resolution 6

That in pursuance of Article VII of the 1946 Convention 'the Commission will look to the Bureau of Whaling Statistics at Sandefjord.

- (a) to continue the reception of the statistical information on whaling operations
- (b) to continue to receive weekly blue whale unit catch reports from Factory Ships operating south of 40° South latitude and
- (c) to decide on the basis of the data received, the date when the blue whale limit or any other quota will be reached

and to take appropriate action on the above, after consultation with the Chairman of the Commission.

Resolution 7

That the International Bureau for Whaling Statistics shall be requested to send copies of all statistical and other matters coming within their purview to the office of the Commission for record purposes.

Resolution 8

That the contracting government and/or the Commissioners shall be requested to arrange for the supply to the office of the Commission for record purposes copies of all biological, scientific and other reports on the subject of whaling.

Resolution 9

That the attention of Contracting Governments and Commissioners be directed to Paragraph 15 of the Schedule attached to the International Whaling Convention of 1946 with regard to the transmission to the Commission of copies of all official laws and regulations relating to whales and whaling.

Resolution 10

That paragraph 7(a) of the Schedule to the Convention of 1946 be amended by deleting "15th December" and "1st April" and substituting "22nd December" and "7th April" respectively.

Resolution 11

That the regulation forbidding the taking of humpback whales by Factory Ships south of 40° South latitude be amended so that a maximum of 1,250 humpback whales may be taken in this region during each of the pelagic whaling seasons 1949-50 and 1950-51.

Resolution 12

That in pursuance of the provisions of Article VII of the Convention, notification of data on the number of humpbacks taken shall be reported directly from the expeditions to the Bureau of International Whaling Statistics, Sandefjord, Norway, within two days after the end of each calendar week. The Bureau of International Whaling Statistics shall determine on the basis of the data provided, the date on which the maximum catch of humpbacks shall be deemed to have been reached. The expeditions shall be notified directly four days before the closing date. Simultaneously notification shall be sent to the Contracting Governments and to the Commission.

Resolution 13

That, for clarification purposes, the following new para. 10 be substituted for the existing para. 10 in the Schedule to the 1946 Convention:

“10.-(a) It is forbidden to use a land station under the jurisdiction of a Contracting Government, and whale catchers attached to such land station, for the purpose of taking or treating baleen whales except as permitted by the Contracting Government in accordance with sub-paragraph (b) of this paragraph.”

“(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or treating of baleen whales shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of a Contracting Government provided that a separate open season may be declared for any land station used for the taking or treating of baleen whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen whales under the jurisdiction of the same Contracting Government.”

20. Perhaps the most important Resolutions are those numbered 10, 11, 13 and 14 as these involve amendments to the Schedule to the 1946 Convention and as such required and obtained a three fourths majority. (Rule V. Rules of Procedure).

21. Resolution 10 amends the pelagic whaling season from the period 15th December to 1st April to the period 22nd December to 7th April. All the Commissioners voted in favour of this Resolution.

22. Resolution 11 relaxes the total ban on the taking of humpback whales south of 40° South Latitude to the extent that in each of the pelagic Whaling seasons 1949-50 and 1950-51 a maximum of 1,250 humpback whales can be taken in that area.

On a vote being taken, Canada and Iceland abstained from voting. Australia and Netherlands voted against the resolution, while France, Norway, South Africa, Sweden, the U.K., the U.S.A. and the U.S.S.R. voted in favour. With nine voting and seven being in favour, the necessary three fourths majority was obtained.

23. Resolution 13 arose from the fact that paragraph 10 of the Schedule to the 1946 Convention appeared to be capable of more than one interpretation. The Commission, therefore, unanimously decided that the following new paragraph 10 should be substituted for the existing paragraph 10 of the Schedule:-

“10.-(a) It is forbidden to use a land station under the jurisdiction of a Contracting Government, and whale catchers attached to such land station, for the purpose of taking or treating baleen whales except as permitted by the Contracting Government in accordance with sub-paragraph (b) of this paragraph.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or treating of baleen whales shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of a Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen whales under the jurisdiction of the same Contracting Government.

(c) Notwithstanding the prohibition in sub-paragraph (a) of this paragraph, the treatment of whales which have been taking during an open season may be completed after the end of such open season.

- (d) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.”

24. Resolution 14 is again a matter of clarification, the Commission deciding that the following new paragraph 17 should be substituted for the existing paragraph 17 of the Schedule:-

“17.-(a) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and

12. Mr Dobson then vacated the Chair, in favour of Dr. Kellogg, in the temporary absence of Professor Bergersen, and Mr. P.D.H. Dunn was designated as UK delegate (and member of the Commission) in place of Mr. Dobson, who ceased to be the UK delegate on his appointment as Secretary.

13. The Commission then proceeded to consider its agenda which was approved with certain variations and is appended to this Report (Appendix III).

14. The administrative matters on the agenda were dealt with by means of a Procedure Committee under the Chairmanship of Dr. Stewart Bates, Canada, comprising members from Australia, France, Netherlands, Norway, South Africa, UK, USA and USSR.

15. Scientific matters were referred to a Scientific and Technical Committees under the Chairmanship of Dr. Mackintosh (UK), comprising representatives from Australia, Canada, France, Norway, South Africa, UK, the USA and the USSR. This sub-committee subsequently became the Standing Committee provided for in the Rules of procedure (see later).

16. Following the deliberations of these two Committees, the Commission:-

(a) resolved that the financial and administrative arrangements of the Commission's office should generally follow a memorandum circulated by the UK delegate. This provided that the office should for the time being be located in London in the offices of the Fisheries Department, Ministry of Agriculture and Fisheries, St. Stephen's House, Victoria Embankment, Westminster, London SW, and that the staff, apart from the Secretary, should be provided, for part-time service, as and when required by the Fisheries Department, the finances being handled by the Finance Division of the Ministry.

(b) Approved the Rules of Procedure appended to this Report (Appendix IV).

(c) Passed a number of Resolutions appended to this Report (Appendix V).

17. Of these Resolutions, 16 in number, many dealt with administrative, financial or procedural matters and arose from the deliberations of the Procedure Committee referred to in paragraph 14 above, others resulted from the deliberations of the Scientific and Technical Committee referred to in paragraph 15 above, while others dealt with the Bureau of Whaling Statistics at Sandefjord and the remainder with amendments to the Schedule to the 1946 Convention, which will be dealt with in detail hereafter.

18. Attention is drawn to Resolution 16 which makes it clear that the Report of the Proceedings of any annual or other meeting of the Commission as signed by the Chairman, on behalf of the Commission, shall be accepted as an authoritative record of what transpired at each meeting

19. With regard to Resolutions 6, 7 and 12 dealing with the International Bureau of Statistics, this Bureau was originally constituted at the suggestion of the International Council for the Exploration of the Sea. It is specifically mentioned in Articles IV and VII of the 1946 Convention. The effect of the Commission's resolutions is that the Bureau will continue to carry out the statistical and other work of notification for which it has been responsible up to the present. Immediate contract was, therefore, made by the Commission with the Bureau, whose whole-hearted co-operation was thus speedily secured.

“(c) Notwithstanding the prohibition in sub-paragraph (a) of this paragraph, the treatment of whales which have been taken during an open season may be completed after the end of such open season.”

(d) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 17 of this Schedule.”

Resolution 14

That the following new paragraph 17 be substituted for the existing paragraph 17 in the Schedule to the Convention:-

“17.-(a) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.”

“(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (c) of this paragraph or south of 40° South latitude.”

“(c) The areas referred to in sub-paragraphs (a) and (b) are:

- (1) on the coast of Madagascar and its dependencies;
- (2) on the west coasts of French Africa;
- (3) on the coasts of Australia, namely on the whole of the east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George’s Sound, including the Port of Albany.”

Resolution 15

That the Governments party to the 1946 Convention keep the Commission fully informed of the land stations and factory ships that they or their nationals intend to operate.

Resolution 16

That the following additional item be inserted in the Rules of Procedure between the existing items (d) and (e) of Rule VIII.

- (e) to sign, on behalf of the Commission, a report of the proceedings of each annual or other meeting of the Commission, for transmission to Contracting Governments and others concerned as an authoritative record of what transpired.

Resolution 17

That the Commission considers the Chilean proposal, presented so clearly by the Chilean observer, has been met as far as possible by the revised wording of paragraph 10 of the Schedule to the Convention.