

SECRET.

UNION OF SOUTH AFRICA.

PRIME MINISTER & EXTERNAL AFFAIRS.

Fisheries

(F1)

P.M.

70

7 VOL I

SUBJECT (27/4/26 — 15/5/30)

International Council for the Exploration
of the Sea with Regard to Whaling

International Control of -

~~Closed: See Volume 2~~

re Files.

201-11735
referred
P.M.
10/5/28.

POLAR COMMITTEE

26th Meeting. 5th March, 1930.

The 26th Meeting of the Polar Committee was held in the Conference Room at the Colonial Office at 3.30 p.m. on Wednesday, the 5th March. Sir H. Batterbee was in the Chair, and there were also present:

Mr. Macleod (Canada)

Major Casey (Commonwealth of Australia)

Mr. Crabb (New Zealand)

Mr. Brennan (Union of South Africa)

Admiral Douglas

Mr. Darnley

Mr. Borley

Mr. Rose

Mr. Moss Blundell

Mr. Tait

and Mr. Clutterbuck

Mr. L. B. Pearson, of the Canadian

Department of External Affairs, was also present at the Chairman's invitation; and Mr. Bushe, Assistant Legal Adviser to the Colonial Office, was present for the discussion of Item II.

The Chairman said that there were two items on the agenda:

I. The nomination of experts for appointment to the Committee of Experts on Whaling set up by the Economic Committee of the League of Nations and

II. The advice to be given to the experts selected from the United Kingdom and the Dominions.

Having

Having read the telegraphic replies received from Dominion Governments to the Secretary of State's confidential despatch of the 24th October, the Chairman said it would be seen that, so far as the question of personnel was concerned, the Canadian, New Zealand and Irish Free State Governments had not suggested any name, while the Commonwealth and Union Governments had both proposed Mr. Borley for nomination as the expert "belonging to the Dominions". As he had announced at the last meeting of the Committee, Sir Sydney Chapman, as President of the Economic Committee, would be Chairman of the Committee of Experts, and he had received a letter from Sir Sydney, which he would read to the Committee, saying that it was important that Mr. Maurice should be a Member of the Committee of Experts in view of his connection with the International Council for the Exploration of the Sea, and hoping that Mr. Maurice would be selected as the expert from the United Kingdom. Having read the letter the Chairman said that he was sure that the Committee would concur in Sir Sydney Chapman's view, and he accordingly had great pleasure in proposing from the Chair that Mr. Maurice should be nominated as ~~the~~ the expert from the United Kingdom. This proposal met with the general concurrence of the Committee and was carried unanimously.

With regard to the nomination of an expert "belonging to the Dominions", Major Casey said that he had great pleasure in proposing Mr. Borley, whose name had been suggested by the Commonwealth Government. Major Casey's proposal was seconded by Mr. Brennan (Union of South Africa) and was carried unanimously. Mr. Borley

said

said that he was deeply conscious of the honour done to him, and was very grateful to the Commonwealth and Union Governments for the confidence which they reposed in him. He had hoped, however, that it would have been possible for Mr.Darnley to be one of the experts selected, and he would like to point out that Mr.Darnley's wide experience of administrative measures in the Falkland Islands would be sorely missed at Geneva. The Chairman said that he was sure that every member of the Committee would support what Mr.Borley had said, but that Mr.Darnley as head of the West Indian Department of the Colonial Office, had a great many responsible duties, and would doubtless have found it very difficult to spare the time for a conference of this character. Mr.Darnley agreed, and said that he would always be available for consultation, and if needed would probably be able to go to Geneva for a few days. Mr.Borley said that he was very glad to hear that he could count on Mr.Darnley's assistance as occasion might require, and on this understanding he would gladly undertake the duties entrusted to him.

Mr.Moss Blundell enquired if it was known whether Professor Hjort would be one of the members of the Experts Committee, and pointed out that it would be necessary that some of the experts should have practical experience of whaling conditions. The general impression of the Committee was that Professor Hjort would be selected as the Norwegian expert, but no definite information on the point was available. Mr.Borley agreed that the Committee would require the best technical advice, and that it would be an advantage if Professor Hjort could be a member. On the other hand we must not look solely

to

to Professor Hjort for technical advice, since that would mean that we would be placed altogether in his hands. Mr.Darnley also added the caveat that Professor Hjort ought not to be accepted as representative of the business side of the industry, and it was generally agreed that it would be wise for Mr.Maurice and Mr.Borley to get into touch with the big British firms and sound them confidentially on the proposals before going to Geneva. It would also be necessary to determine in advance whether it would be desirable for the Committee to call witnesses or to ask for information from the technical experts and the whaling industry generally, and it was agreed that Mr.Maurice, Mr.Borley, and Mr.Darnley should consult together and get into touch with Sir Sydney Chapman immediately on his return from Geneva, with a view to determining what action was desirable.

The Chairman added that the minutes of the Committee would be sent officially to all the Government Departments interested, and as soon as they had been approved, Sir Sydney Chapman would then be asked to communicate to the Economic Committee the names of Mr.Maurice and Mr.Borley.

II.

With regard to the second item on the agenda, the Chairman explained that, while the Dominion Governments had found the draft Convention generally acceptable, the Canadian Government had made one or two comments. He proceeded to read the relevant portion of the Canadian telegram of the 7th February, which ran as follows:-

Tentatively

"Tentatively expressed, our view is that draft Convention seems to be generally acceptable except in regard to the second paragraph of Article V. This paragraph apparently contemplates that a contracting party will be required to issue a licence to a vessel belonging to any other party to the Treaty, which would authorise use of territorial waters. Canada has up to the present not looked with favour on floating whale factories and has always refused licences for such and has also refused the use of its ports and territorial waters by such whale factories belonging to other countries. While Article XI meets obvious difficulties in Article VI to VIII it seems questionable whether it would not be preferable to have substance of it included in such Articles. Canadian Government however do not desire to be definitely committed at this stage".

The Chairman said that the Canadian Government had evidently interpreted the second paragraph of Article V as meaning that a licence must be granted on application but that the conditions on which a licence should be granted should be such as the Government concerned might deem to be necessary or desirable. He thought, however, that the Canadian Government were under a misapprehension. This paragraph did not confer rights, but was a saving clause which preserved existing rights, and he thought that a reply could properly be sent to Canada to the effect that there was nothing in Article V, as at present drafted, which would prevent the Canadian Government from continuing its present

present policy. This view was supported by Mr. Bushe, and it was also pointed out that the Canadian telegram was solely directed, to the question of a ban on whaling in floating factories. This policy could be continued by making it a condition of all licences that whaling should be conducted not in floating factories, but from shore stations. Some discussion ensued as to whether the second paragraph of Article V did in fact preserve the existing right of a High Contracting Party to refuse licences at its discretion, and it was pointed out that it was essential, not only for the Canadian point of view, but also from the point of view of the Falkland Islands that this right should be preserved. The discussion showed that as a matter of legal interpretation there could be no doubt that the paragraph had the effect of preserving existing rights in their entirety and it was explained that although the paragraph as at present drafted was not perhaps too clearly worded, yet great difficulty had been experienced in obtaining general concurrence in its terms, and, in view of the legal opinion expressed by Mr. Bushe there was, therefore, much to be said for leaving it as it stood. It emerged, in the course of discussion that in Scotland there was no power to grant licences for whaling to other than British ships; applications from foreign nationals had therefore to be refused. The Scottish Office were satisfied that it would be possible to continue this policy under paragraph 2 of Article V as at present drafted, and, in view of this and of Mr. Bushe's opinion, it was agreed that the paragraph could properly be

interpreted

interpreted as meeting Canadian requirements. While, however, the Committee recommended that the paragraph should be left as it stood, it was agreed that when the draft Convention was communicated to the United Kingdom and Dominion experts on the Experts Committee they should be asked to make it quite clear, in the discussion on that draft, that the second paragraph of Article V was intended to preserve the full existing rights of a High Contracting Party to deal with applications for whaling in his territory or territorial waters in such manner as he might think fit.

With regard to the second point made by the Canadian Government, Mr. Bushe observed that Article XI referred to the "obligations imposed on the High Contracting Parties". No obligation was, however, imposed on the High Contracting Parties by Article VI and that Article was not, therefore, qualified by Article XI, except indirectly, through Article VII. He thought that a redrafting of Article XI would meet the Canadian point, and he proposed the following revised draft:-

"The provisions of this Convention do not apply -

(a) in respect of vessels, to vessels of any High Contracting Party registered in any of his territories to which the Convention does not apply

(b) in respect of nationals, to nationals of any High Contracting Party habitually resident in any of his territories to which the Convention does not apply;

(c)

(c) in respect of territory or territorial waters, to any territory (or the territorial waters adjacent thereto) of any High Contracting Party to which the Convention does not apply."

General concurrence was expressed in the revised draft but it was agreed that it should be referred officially to Departments. In reply to Mr. Moss Blundell, who at the request of the Board of Trade had raised a question as to the legislation which would be necessary to give effect to the provisions of the Convention, the Chairman said that he would be grateful if the Board of Trade would undertake to furnish a memorandum on the legislative aspect in which they were interested.

It was also pointed out that some Articles of the draft Convention referred to the "taking of" whales, others to the "capture of" whales, and others again to the "taking or capture" of whales, while the word "treatment" seemed to have been omitted in the first paragraph of Article V. The Committee agreed that the Chairman should consult with Mr. Darnley and Mr. Borley with a view to eliminating these inconsistencies and to ensuring the adoption of the correct technical phraseology.

DOMINIONS OFFICE,
6th ^{March} ~~February~~, 1930.

File 107/51

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO—
THE SECRETARY,
OFFICE OF THE HIGH COMMISSIONER FOR THE
UNION OF SOUTH AFRICA,
RAFAELGAR SQUARE, LONDON, W.C. 2.

MINUTE



SUBJECT:— Control of Whaling.

REFERENCE	Cable No. 20) Your No. to Dominions) Office,) This Office No. 19/88) <u>please quote when replying.</u>	dated	14th February, 1930.	
NUMBERS.		dated	17th March, 1930.	, which

The Secretary for External Affairs,
P R E T O R I A.

I beg to forward, for your information, a
copy of the minutes of a meeting of the Polar
Committee which was held at the Colonial Office
on 5th March.

J. S. Hurwail
Secretary.

Moore
3 Mess & Dist Bd of Trade
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P.M. 107/5

CAPE TOWN.

22nd April, 1930.

The Chairman,
Board of Trade and Industries,
CAPE TOWN.

Control of Whaling.

.....

With reference to your Minute No. B.T.I. 114 of the 14th February, 1930, I forward herewith, for your information, a ^{copy} copy of the Minutes of a Meeting of the Polar Committee which was held at the Colonial Office on the 5th March, 1930.

[Handwritten signature]

SECRETARY FOR EXTERNAL AFFAIRS.

File

Copy.

Translation from p. 146 of Proceedings
of Norwegian Odelsting, 1929.

At a meeting of the Odelsting on June 14th, 1929 the following Bill concerning the catching of baleen whales was adopted.*

§ 1.

The provisions of the present law shall apply to the catching of baleen whales - including bottle-nosed whales - carried on by Norwegian citizens or companies.

Norwegian shipowners who let "floating factory ships" (kokeriskib) to be chartered for whaling - whether on inland or maritime waters - shall be held responsible that whaling is not carried on in contravention of the present law.

§ 2.

Any person desiring to engage in such fishery or to let "floating factory" ships for the same, must apply to the competent government department. The applications must give such details as the department requires.

§ 3.

It is forbidden to catch:

- a) Right whales - "smooth" or "Greenland" whales (glatt-hvaler, sletthvaler) (Balaenidae).
- b) Female whales, accompanied by their calves.
- c) Whale calves accompanying their mothers.

Article 4.

The King may forbid the catching of whales in tropical or sub-tropical waters, within boundaries to be more exactly defined.

Article 5.

The King may issue more detailed regulations regarding the whale fishery referred to in Article 1 and regarding its operation and supervision. When such regulations are prepared they shall include instructions to the effect that every whale's carcass** which is regarded as suitable for the production of oil shall at least have the whole of the blubber "tried out" as well as the head and tongue and the tailportion as far as the outer opening of the rectum (anus).

* Note that certain minor amendments were made in course of the debate (summary attached). I.

** Amended in the debate to read "whale" or "whales".

It shall be incumbent on persons responsible for the work (the managers) to ensure that all whale carcasses* which are brought in are worked up to the fullest possible extent.

§ 6.

The King may issue regulations for telegraph or telephone communications between whaling ships and "trying out" ships (kokeriskib) or stations on land.

Article 7.

Harpooners and crews of whaling boats may not be engaged on contracts under which the remuneration for their work is entirely dependent on the number of whales harpooned.

§ 8.

The King may order that a tax of 20 öre per "fat" (170 kg) of oil extracted shall be levied on all catches coming under the present law. The proceeds of this tax shall, in that case, be used, according to more detailed instructions to be issued by the King, in scientific research in the interest of Norwegian whaling, and to defray the cost of supervising the observance of the present law. The competent department* shall issue detailed instructions as to the manner in which this charge is to be paid over to it.

In special cases the King may remit the payment of this charge.

Article 9.

The King may issue detailed instructions for supervising the observance of the present law, and may direct therein that the firms and companies referred to in § 1 and the shipping companies owning the "floating factory" ships referred to in the same paragraph, shall arrange for such ships to carry official inspectors.

Article 10.

Any person infringing the present law, or the regulations made thereunder, shall be punishable by a fine or imprisonment up to 3 months. Accessories to such offences shall be similarly punishable. Whales caught illegally, or their value, may be seized for the benefit of the Exchequer. Such seizures may also be executed against any persons through whose agency the offenders have acted.

§ 11.

The present law shall come into force forthwith.

(Signed) G. Eieland, President
Nils Hjeltnet, Secretary.

* Amended in the debate so as to reserve this power to the King.

NOTIFICATION FROM THE MINISTRY OF COMMERCE
of July 4, 1929.

In accordance with the provisions of the Whaling Act of June 21, 1929, every one intending to capture Baleen whales or to let whaling factory ships for such purpose, shall duly notify the Ministry of Commerce hereof.

The notification, which must be sent the Ministry before the ship's departure for the whaling fields - however in no case later than July 31 each year - shall contain information on the following points:

1. Name, tonnage, home-part and name of owner of the whaling factory ship.
2. Tank-capacity for oil in barrels of 170 kilogrammes.
3. Statement regarding the material for manufacture and what it will assumably yield (in tons) of blubber, meat and bones per 24 hours. In connection with the above shall also be stated the number of blubber-boilers and press-boilers, giving the dimensions and the cubic-volume of each, as well as the number of Hartmann-apparatures and their capacity per 24 hours, if possible specified as to blubber, meat and bones.
4. List of crew. NB. The name must be given of the leader of the expedition, however not of the rest of the crew.
5. Number of whaling-boats, their names and machinal power. In what fields the whaling may be carried on (South Georgia, South Shetlands, the Ross Sea, etc).

Omission to send the Ministry of Commerce such notification with information as indicated above is liable to punishment according to the law.

ROYAL DECREE of August 2, 1929, whereby - in pursuance of the WHALING ACT of June 21, 1929 - the following REGULATIONS for the capture of whales are issued for the whaling-season 1929/30:

§ 1. From every captured whale oil shall be rendered out of at least:

1. All blubber.
2. The head - back to the paddles - with jawbones and tongue.
3. Both limbs (breast-sides).
4. The tail-part forward to the anus.

§ 2. The responsible leader of the expedition shall observe that no more whales are captured than the whaling factory ship can deal with in an adequate manner within a reasonable space of time. He shall therefore observe that the whaling-boats, if necessary, temporarily - altogether or partly - cease operations until butchering of the animals already killed is finished.

§ 3. All whaling factory ships and all whaling-boats, intended for use in antarctic waters, shall have wireless telegraph and telephone installations and qualified attendants to these. As far as the whaling-boats are con-

cerned the Ministry of Commerce can give dispensation from this provision.

§ 4. On all whaling factory ships the capture of whales shall be recorded in a diary (journal), kept by the responsible leader of the master of the 1st mate under the supervision and co-responsibility of the leader. Viz. the Criminal Law, §§ 316 and 421.

The entries in the diary shall be made in chronological order in each watch. Occurrences happening during a watch may be temporarily recorded on a memorandum, but must be entered in the journal within the expiry of the 24 hours. The diary shall be legible and properly kept. Entries once made must not be erased, lined through or otherwise rendered illegible. All necessary corrections must be added as remarks. The diary shall be paginated and the pages shall be taped and duly authorised by the Customs or Norwegian Consul. The form shall be approved by the Ministry of Commerce.

§ 5. In the diary the following entries shall be made:

1. Number of captured blue whales, fin whales and other whales per 24 hours.
2. Sex of the whales and approximate length.
3. Number of flensed whales per 24 hours, specified as to blue whales, fin whales and other whales.
4. Number of filled blubber-boilers and press-boilers per 24 hours and also number of filling of the Hartmann-apparatuses with blubber, or meat and bones - all per 24 hours.

If other apparatuses for rendering oil are used, corresponding statements shall be made.

5. Total produce of oil per 24 hours and per week.
6. The midday-position of the whaling factory ship.
7. Direction and strength of wind, sea-conditions and, if possible, ice-conditions.

§ 6. The diary shall be transmitted to the Ministry of Commerce at the end of the expedition together with the diaries of the whaling-boats, or legalised copies of these as far as the capture of whales is concerned.

§ 7. The Ministry of Commerce can, to the extent that is found necessary, demand statistics regarding capture and manufacture.

§ 8. It is prohibited to capture:

- a. Right whales (*balaenidae*)
- b. Female accompanied by calf.
- c. Calf accompanying female.
- d. Blue whales under 60 feet and fin whales under 40 feet.

If such whales are shot, it is prohibited to pay the gunner his usual share (whale-part), even under extenuating circumstances.

§ 9. If absolutely compelling reasons should make it impossible in a certain case to follow the provisions of the regulations regarding capture and manufacture, accurate and detailed accounts of the reasons should be entered in the catch-diary. If an official controller is onboard he should be consulted beforehand.

§ 10. All whaling factory ships are under the obligation to take an official controller onboard. He pays

kr. 3.00 per 24 hours for food and berth etc. The inspector shall have access to the catch-diary.

§ 11. Of all oil produced a tax of kr. 0.20 per barrel (of 170 kg) shall be paid. The tax is payable to the Ministry of Commerce at the end of the whaling season - before August 1.

§ 12. A copy of the WHALING ACT and of these REGULATIONS shall be posted onboard all whaling factory ships and whaling-boats in a place easily seen and accessible for all.

§ 13. Violation of the provisions of these Regulations is liable to punishment. Vis. the Whaling Act of June 21, 1929, § 10.

Copy.

Instructions * for whaling Controllers
of August 16, 1929.

§ 1.

The Controller shall closely watch the daily operations and record in a diary anything concerning these that may be of interest. The diary, if necessary accompanied by a supplementary report, shall be transmitted to the Ministry of Commerce on his return.

§ 2.

Any occurrence found to be in violation of the provisions of the Whaling Act or the Whaling Regulations shall immediately be pointed out to the responsible leader, and an accurate account of the fact shall be entered in the diary.

In no other way may the Controller interfere with the actions of the leader.

§ 3.

The Controller has access to the catchdiary, kept by the leader (vis. the Whaling Regulations, § 10), and should ascertain that the said diary is properly and accurately kept.

§ 4.

The attention of the Controller should be directed particularly on the following points:

1. That the captured whales are utilised in compliance with the regulations (vis. the Whaling Regulations, § 10)
2. That the capture is limited according to the capacity of the whaling factory ship (vis. the Whaling Regulations, § 2).
3. That ample and accurate accounts are given whenever § 9 of the Whaling Regulations is applied.
4. That captured whales are properly measured (vis. the Whaling Regulations, § 5, 2).

§ 5.

In his official capacity the Controller shall only address himself to the responsible leader; not to anybody else connected with the expedition.

§ 6.

On his return he should report on how the Whaling Act and the Whaling Regulations have worked in practice.

§ 7.

The Controller must not impart knowledge, received in his official capacity, to anybody but the Ministry of Commerce.

* Made by the Ministry of Commerce.

Copy.

Instructions * for Whaling Inspectors
of August 16, 1929.

§ 1.

The Inspector shall visit as many whaling factory ships as possible.

He shall keep an accurate diary, which on his return shall be transmitted to the Ministry of Commerce together with a report.

§ 2.

If the whaling factory ship has an official Controller onboard, the Inspector shall, as his superior officer, inspect his work and duly advise him, and can, to the extent that the Law admits, give him such instructions as circumstances may dictate. If there is no Controller onboard the Inspector acts as such visiting the ship (viz. Instructions for Whaling Controllers of August 16, 1929).

§ 3.

The Chief task of the Inspector is to watch closely the daily catch and operations onboard and to notice how the Whaling Act and the Whaling Regulations and also the Instructions for Whaling Controllers are being respected and how they work in practice.

§ 4.

The Inspector should, furthermore, notice the sanitary conditions onboard, particularly with regard to cabins, baths, W.C., etc., also the health-conditions onboard, whether the food-regulations work satisfactorily etc.

§ 5.

The Inspector should note in his diary anything that might contribute to increase the knowledge regarding the quantity and variety of whales and their travels.

§ 6.

If possible the Inspector should also visit land-stations and report thereon. Such visitations should only be made with the permission of the Company in question.

* Made by the Ministry of Commerce.

Copy.

COUNCIL FOR THE CONSERVATION OF WHALES
AND OTHER MARINE MAMMALS

under the auspices of
THE AMERICAN SOCIETY OF MAMMALOGISTS.

The reforms which the Council for the Conservation of Whales is endeavouring to secure, in order properly to conserve the supply of whales and at the same time refrain from imposing unassessable and drastic restrictions upon the whaling industry comprise the following details:

Immediate and absolute protection of such whales as are in serious danger of extermination.

Protection on their breeding grounds of those sorts which resort to a circumscribed area for having the young (as the gray whale),

Protection of females nursing young, and of young whales below a specified length.

Compulsory utilization of the entire carcasses.

Prohibition of whaling in certain tropical areas along migration routes, where whales are usually in poor conditions.

Prohibition of airplanes in hunting.

Formation of an international commission to:

Operate a system for licensing pelagic whalers
Secure the cooperation of individual nations in licensing their shore stations
Make proper investigations and secure data on economic conditions of the whale supply.

A. BRADY HOWELL

Executive Secretary,
-in behalf of the Council.

DRAFT CONVENTION.

Article 1.

The present Convention applies only to baleens or whale-bone whales.

Article 2.

The taking or killing of right whales, which shall be deemed to include North Cape whales, Greenland whales, Southern right whales, Pacific right whales and Southern Pigmy right whales, is prohibited.

Article 3.

The taking or killing of calves or suckling whales, immature whales and female whales which are accompanied by calves or suckling whales, is prohibited.

Article 4.

The fullest possible use shall be made of the carcasses of whales taken. In particular:-

1) There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine.

The provisions of this sub-paragraph shall apply only to such carcasses or parts of carcasses as are not used for human food.

2) Every factory, whether on shore or afloat, used for treating the carcasses of whales shall be equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones.

3) In the case of whales brought on shore adequate arrangements shall be made for utilising the residues after the oil has been extracted.

Article 5.

Gunners and crews of whaling boats shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the size, species, value of whales taken and the yield of oil and not merely upon the number of whales taken, in so far as payment is made dependent on results.

Article 6.

No vessel of the High Contracting Parties shall engage in taking or treating whales unless a licence authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party to which she belongs or unless her owner or charterer has notified

his Government of his intention to employ her in whaling and has received a certificate of notification from the said Government.

Nothing in this article shall prejudice the right of any High Contracting Party to require that in addition a licence shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking or treating whales, and such licence may be subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, independent of the nationality of the vessel.

Article 7.

(No national of the High Contracting Parties shall engage in whaling on any vessel of any nationality whatever which is not in possession of a licence or certificate of notification granted in accordance with the preceding articles.)

Article 8.

(1. The High Contracting Parties agree to enforce the provisions of this Convention by means of appropriate penalties; a) against all vessels and all persons of whatever nationality on board in respect of all acts or defaults committed in their territory or territorial waters; b) against their own vessels and all persons of whatever nationality on board thereof in respect of all acts or defaults wheresoever committed; c) against their own nationals in respect of all acts or defaults wheresoever committed and on whatsoever vessel such nationals are serving.

2. In regard to the trial and punishment of infractions of the present Convention, the High Contracting Parties agree that in cases where, under the headings a), b) and c) above, the authorities of more than one High Contracting Party have jurisdiction, it is desirable that, in so far as the circumstances render it applicable and practicable, preference should be given to the jurisdiction under heading a) in preference to that under heading b), and to that under a) and b) over that under heading c), without prejudice however to the obligation to exercise the jurisdiction under either heading b) or c) when the jurisdiction, which is preferred thereto, is not applicable, or has not been exercised and cannot reasonably be exercised.)

Article 9.

The geographical limits within which the articles of this Convention are to be applied, shall include all the waters of

the world, including both the High seas and territorial and national waters.

Article 10.

Each High Contracting Party shall obtain with regard to their vessels engaged in the taking of whales information comprising the following particulars with regard to each whale taken, vis:-

- 1) date of taking;
- 2) place of taking;
- 3) species;
- 4) sex;
- 5) length measured when taken out of water; estimated if cut up in water;
- 6) when foetus is present, length and sex if ascertainable;
- 7) where practicable information as to stomach contents.

Protocol ad 5) of Article 10.

The length referred to in sub-paragraph 5 and 6 of Article 10 shall be the length of a straight line taken from the tip of the snout to the notch between the flukes of the tail.

Article 11.

Each High Contracting Party shall obtain from all factories, on land or afloat, under their jurisdiction, returns of the number of whales of each species treated at each factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them.

Article 12.

Each of the High Contracting Parties shall communicate statistical information regarding all whaling operations under their jurisdiction to a body which shall be established in order to collect and distribute statistics of whaling. The information given shall comprise at least the particulars mentioned in Article 10 and

- 1) the name and tonnage of each floating factory;
- 2) the number and aggregate tonnage of the whale catchers;
- 3) a list of the land stations which are in operation during the period concerned.

Such information shall be given at convenient intervals not longer than one year.

Article 13.

The provisions of this Convention do not apply:

- a) in respect of vessels, to vessels of any High Contracting Party registered in any of his territories to which the Convention does not apply;
- b) in respect of nationals, to the nationals of any High Contracting Party habitually resident in any of his territories to which the Convention does not apply;
- c) in respect of territory or territorial waters, to any

territory (or the territorial waters adjacent thereto) of any High Contracting Party to which the Convention does not apply.

Article 14.

This Convention is concluded for a period of three years from

Six months before coming to an end of this Convention any of the High Contracting Parties may inform the Secretary General of the League of Nations of his intention to withdraw from the Convention. In the absence of any such notification the Convention shall remain in force for a further period of one year and similarly for successive periods of one year.

Six months before the expiration of these periods of one year, any of the High Contracting Parties may notify the Secretary General of the League of his intention to withdraw from the Convention on the expiration of the current period.

At any time after the coming into force of this Convention any two of the High Contracting Parties may cause a Conference to be called for the purpose of revising the provisions of the present Convention by making a request to that effect to the Secretary General of the League of Nations.

Belgium: M. de Brouckere
 Denmark: M. J. M. Thomsen
 France: M. J. M. Thomsen
 Germany: M. J. M. Thomsen
 Japan: M. J. M. Thomsen
 Norway: M. J. M. Thomsen
 Portugal: M. J. M. Thomsen
 United States: M. J. M. Thomsen
 Sweden: M. J. M. Thomsen
 Switzerland: M. J. M. Thomsen
 The Netherlands: M. J. M. Thomsen
 The Conference of the High Contracting Parties
 shall pending further arrangements be held at
 other regular intervals, and the first step
 of a first step shall be to
 The Secretary General of the League of Nations
 shall convene the Conference at the request of any

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 1919
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*Rev 107/31
Rev 58/6*

Confidential.

OFFICE OF THE ACCREDITED REPRESENTATIVE,
GENEVA. 9 April 1930.
1, Chemin de Miremont.

The Secretary for External Affairs,
Capetown.

Whaling.

With reference to my Minute No. 4 of 26 November 1929, I have the honour to report that the Experts Committee sat in Berlin from 3 to 6 April 1930.

Present:

Sir Sidney Chapman, Chairman Economic Committee,
G. Jahn, Oslo, Rapporteur, " "

Experts:

- Britain: E.R. Darnley, Colonial Office,
- Dominions; J.O. Borley, " "
- France: Prof. E. le Dancis, Director of Department of Sea Fishing,
- Germany: A. Hodt, Hamburg, representing manufacturing interests,
- Japan: M. Ohta, Fisheries Section, Ministry of Agriculture and Forests,
- Norway: Prof. J. Hjort, Oslo University,
- Portugal: Dr. Ramalho, Director of the Aquarium, Lisbon,
- United States: Dr. R. Kellogg, National Museum, Washington.

(Also two members of the staff of the Japanese Ambassador, Berlin, and the representatives of Canada and South Africa accredited to the League of Nations).

The experts agreed that international action for the conservation of whales was necessary and feasible, but that pending further information from the "Discovery" and other research work, such action could only be in the nature of a first step in that direction.

The British and Dominions experts submitted a draft convention providing for, inter alia, (a) the introduct-

On 13/5

*Mr. Bryan Todd of Dept
14/5/30*

ion of a licensing system for whaling on the high seas, (b) that the pay of harpooners and crews should not depend mainly or entirely upon the number of whales taken, and (c) that nationals of adhering States should be prohibited from serving in whalers of non-adhering States.

The Norwegian expert objected to these proposals, chiefly on the grounds (a and b) that Norway had just passed her first law on whaling and her Parliament would not care to go over the ground again so soon, (c) that it would be impossible for Norway to control her nationals in distant countries, and, further, that such nationals could easily change their nationality for that of a non-adhering maritime State. It may be of interest to mention here that according to the Norwegian expert 10,000 Norwegians are serving on whaling vessels, and that harpooners are paid up to £ 2,000 per annum.

The Portuguese expert stated that the Azores fishermen take about 200 sperm whales per annum by means of shore boats. He added that a licence, which had about 25 years to run, had been granted for Angolan waters and he was not sure in how far the terms of that licence could now be altered. Further that a concession for Mozambique waters had been applied for, but he did not know with what result.

To this the Norwegian expert replied that this proposed whaling convention had very little to do with sperm whales, as the oil is different and spoils the whale oil proper if mixed with it.

The Dominions expert pointed out, however, that quite a respectable number of sperm whales was being caught in the Falklands.

The Rapporteur to the Economic Committee (M. Jahn) gave figures shewing that in 1928/29 a total of 1758 sperm whales was taken, most of them in South African waters.

The Japanese expert pointed out that sperm whales come in shoals and it was impossible to say which female and calf belonged together.

The German expert (who represented the fats industries and not the seagoing side) stated that the market for whale oil proper was unlimited; it was used mainly for margarine. But sperm oil, used chiefly for cosmetic purposes, was not much in demand and he thought that the hunting of sperm whales would limit itself.

After further discussion the Committee agreed to submit a Draft Convention, (attached) to the Economic Committee of the League of Nations, which will no doubt consult with the Copenhagen International Council for the Exploration of the Sea, and thereafter report to the Assembly of the League, possibly at its next session, in September 1930.

Whilst the Dominions expert will no doubt submit through the Colonial Office a detailed report on the subject, it is thought that the following observations by the present writer may be of interest:-

(a) Any international action, to be fully effective, should be universal. The Argentine, which it is understood is also engaged in this industry, was not represented at the meeting. Whilst it is possible that the influence of the League of Nations and of the initiating States may bring about ultimately the adhesion of all States concerned, it is clear that it would be of no benefit to the Union to adhere if other important States abstained.

(b) In considering the introduction of South African legislation, the control and inspection of whaling, and any levy to cover the cost of such control and inspection, due weight should be given, it is thought, to the danger of diverting shore industries to the high seas or to adjacent territories.

(c) according to the tone of the discussions at the meeting, it is evident that the limitation of catching power, i.e., restriction of the number of whaling ships of each State, would be a natural and desirable future development. In that event, it is thought that the Union should not be handicapped on account of the present small extent of her whaling industry, but should have her full quota of or share in the exploitation as far as she desires it.

(d) Another possible future development is that envisaged in article 4 of the Norwegian Bill, namely the closing of whaling in tropical or sub-tropical waters. Here again it is evident that, to be effective, this action would have to be universal.

Observations in regard
to the separate clauses
of the Draft Convention.

Article 2.

The Japanese expert did not want this article to

apply to the North Pacific, as regards all species of right whales.

Article 3.

It was stated that the "Discovery" expedition had shewn that 80 % of the whales taken in that area were immature.

Article 4. in shore factories or

This article implies the presence on board ship of a Government controller.

Article 5.

The Norwegian contracts with harpooners, which are usually for a term of years, provide for payment by results. The Rapporteur of the Economic Committee, M. Jahn, stated that Norwegian gunners are sportsmen, who attach as much importance to the number shot as to their value. The South African representative suggested to the Secretary to the Economic Committee, who had been a judge in the Belgian Congo, that he might explain to the Rapporteur that African elephant hunters, hunting for both sport and profit, spared immature animals. It is doubtful, however, whether this idea will find favour with those harpooners.

Article 7.

This Article was put in brackets because the experts whilst in favour of it, wished it to be considered by legal advisers before its inclusion was decided upon. The intention of the article is that individual Governments should decide in regard to legal action.

Article 8.

This Article also requires consideration by legal advisers.

Savings.

Provision would have to be made for exemptions to scientific investigators.

The following documents are attached for information

1. Draft Convention.
2. Norwegian Bill 1929.
3. Royal Decree 1929.
4. Ministry of Commerce Notification July 4 1929.
5. Instructions for Whaling Controllers.
6. Instructions for Whaling Inspectors.
7. Memorandum by American Society of Mammalogists Council for the Conservation of Whales and other Marine Animals.

F. F. Penard.

Accredited Representative.

JU/MN

P.M.107/5

CAPE TOWN,

15th May, 1930.

The Chairman,
Board of Trade and Industries,
CAPETOWN.

International regulations of Whaling:
Meeting of Experts Committee. Berlin 3rd to
6th April, 1930.

With reference to your Minute No.B.T.I.114
of the 14th February, 1930, I forward herewith,
for your information, a copy of a letter No.56 of the
9th April, 1930, and enclosures, received from the
Accredited Representative of the Union at Geneva, on
the above subject.

M. J. J. J.

SECRETARY FOR EXTERNAL AFFAIRS.

File

NOTE ON THE MEETING OF WHALING EXPERTS HELD IN APRIL, 1930.

The Meeting of Whaling Experts convened by the Economic Committee of the League of Nations met in Berlin on 3rd April, 1930, and sat on the 3rd, 4th, and 5th of April.

The following were present:

CHAIRMAN: SIR SYDNEY CHAPMAN, K.C.B., C.B.E., President of the Economic Committee.

EXPERTS: MR. M. G. JAHN, Rapporteur to the Economic Committee.

FRANCE: PROF. ED. LE DANOIS, Secretary-General of the Commission of the Mediterranean, Director of the Office Scientifique et Technique des Pêches Maritimes, Paris.

GERMANY: M. A. HODT, Hamburg.

GREAT BRITAIN: E. R. DARNLEY, Chairman of "Discovery" Committee, Colonial Office, London.

DOMINIONS: J. O. BORLEY, O.B.E., Fisheries Adviser, Colonial Office, London.

CANADA: DR. RIDBELL attended as observer.

UNION OF SOUTH AFRICA: MR. PIENAAR attended as observer.

JAPAN: M. OHTA, Expert attached to the Fisheries Section of the Ministry of Agriculture and Forests.

M. Ohta was accompanied by a member of the Embassy staff and another.

NORWAY: PROF. J. HJORT, The University, Oslo.

PORTUGAL: PROF. A. DE MAGALHAES RAMALHO, Director of the Aquarium, Vasco da Gama, Lisbon.

UNITED STATES: DR. REMINGTON KELLOFF, National Museum, Washington.

Secretary: DR. SMEDS.

2. At their first meeting, Sir Sydney Chapman asked whether any experts had any document to lay before the Committee for consideration, when the following (annexed) were submitted:—

A. Norwegian Act concerning whaling. Tabled by Dr. Hjort.

B. Notification of the Norwegian Ministry of Commerce. Tabled by Dr. Hjort.

C. Draft Convention concerning whaling, prepared by the Polar Committee.*
Tabled by Mr. Darnley.

D. Memorandum prepared for the American Society of Mammalogists.*
Tabled by Dr. Kellogg.

3. It was agreed to take the draft Convention as a basis of discussion, and at the Chairman's suggestion the procedure was adopted of first going through the clauses in a broad sense, after which in any modified form that had then been agreed the ground could be again covered for revision. At the final meeting the document was amended and the covering report to the Economic Committee of their Rapporteur, Mr. Jahn,† was agreed unanimously.

4. Mr. Jahn's report, a copy of which is attached, renders any detailed report on my part unnecessary. The following remarks may, however, be added:—

5. The two points which gave rise to the longest discussion were Article 5 of the draft Convention (Article 6 of the final form) and Article 4 of the draft Convention (Article 5 of the final form).

6. Article 5 of the draft Convention provided that the Contracting Parties should permit their vessels to engage in whaling only under licence. Mr. Darnley and I attached importance to this as providing a documentary proof that any given vessel was a recognised whaler, that her Master was cognisant of his country's regulations in regard to whaling, and as an aid in administering these regulations. We felt also that the introduction of the licence system would facilitate the operation of any restrictions which ultimately may prove necessary or desirable, since a power which can grant a licence can obviously also withhold it. Dr. Hjort urged that as the Norwegian Storting had but recently considered whaling and made an enactment thereon, they would be most unwilling so soon to devote time to the same subject, and accordingly that the clause as it stood might hinder the adhesion of the Norwegian Government to the Convention. After it was ascertained that we were not supported

* Not printed here.

† No. 6079/27.

by any other experts, in order to meet this point the clause was drafted in its present form by Mr. Darnley. The present form has at least the advantage both of recognising the licence system and giving it priority among the recognised forms of registration.

7. Article 4 of the draft provided that gunners and crews of whaling vessels must not be engaged upon such terms that their remuneration depended entirely or mainly on the number of whales taken. Dr. Hjort urged that this would be considered as an interference with the normal Norwegian practice and would cause such opposition in the fleet as to render agreement by Norway unlikely. I happened, however, to have a copy of the current Norwegian form of contract with gunners which showed that in fact the point aimed at by the clause is met in great measure and probably completely, since not only is the gunner's remuneration in part dependent on the quantity of oil taken (which in itself is inconsistent with remuneration solely by number of whales) but on the species and size of the whales, grading fairly steeply towards decrease of remuneration with decrease of size and towards commercially less valuable species of whale. When the clause was changed from its original negative form to its present positive form, the opposition was withdrawn. The addition of value to the other factors on which, in the Committee's opinion, remuneration should depend, was made at the instance of the Japanese expert, on account of the Japanese use of the whale as food.

8. Some discussion also occurred in regard to the use of the word "immature" in Article 2 of the draft (Article 3 of the final form). Proposals were brought forward to substitute for the word "immature" a definition of the sizes below which respectively it was illegal to capture various species of whales, and for the use of the expression "sexually mature." The first of these proposals was intended as a practicable form of the second. I opposed it because we are not yet sufficiently informed as to the size at maturity of all species taken, nor of whether this differs with region, and because any Contracting Party, before agreeing such a restriction would naturally demand that adequate evidence was brought forward to convince it both that the size indicated was a reliable estimate of size at maturity and that the number of immature whales captured by its nationals in the ordinary course of their industry would have a material effect in depletion of stock. Ultimately the word "immature" was left unqualified both because the time was not yet ripe for greater precision and because (I think I am right in saying) it was considered desirable at present to allow of variation in the means adopted for securing that protection of small whales not sexually mature to which the clause was directed.

9. Points of minor economic importance are mentioned in this and the next paragraph. The addition of Pacific Right Whales and Pigmy Right Whales specifically in Article 2 is due to the suggestion of Dr. Kellogg. The Japanese expert suggested the exclusion of Pacific Right Whales from benefit on the grounds that it was believed that large stocks of these whales were still to be found in extreme northern Pacific waters. The statistics collected by Dr. Kellogg and Mr. Jahn, however, gave reason to believe that this expectation was not sufficiently well based, and the proposer of the exclusion willingly relegated his statement to "II" of "Remarks."

10. Article 11 of the final form was added to the Convention after a discussion of Document B referred to above, and this and the following Article provide for the communication of data to the International Institute of Whaling Statistics set up by Norway at the request of the International Council for the Exploration of the Sea.

11. I wish to record the opinion that the meeting gained materially by the attendance of Dr. Riddell and Mr. Pienaar. Dr. Riddell gave me valuable information and on one occasion at the request of the Chairman gave information also to the Committee.

12. Before leaving for Berlin, I was furnished by the Secretary of the Polar Committee with copies of the replies received from His Majesty's Governments in the Dominions to Lord Passfield's Confidential despatch Dominions No. 91, of the 24th October, 1929.* The reply from His Majesty's Government in the Commonwealth of Australia included an extremely valuable memorandum on Australian Whaling, drawn up, as I have since learned, by Professor Dakin. As the draft Convention is of a provisional nature, the object being to lay down principles of interpretation rather than detailed regulations, no occasion arose during the discussions for me to advance any views that appeared to me to be likely to represent Australian or South African opinion, with the possible exception of the relation of South African whaling with the destruction of small whales.

13. I gather that one of two courses will now be taken after the draft Convention has been sent by the League to the various Governments concerned, namely, either that

* No.

a meeting of these Powers will be convened, or that after their observations have been considered the matter will be discussed in the Assembly of the League.

14. As at this stage of the consideration of whaling regulations good will is of the greatest importance I would conclude by stating that the proceedings were marked by complete cordiality among all those present.

J. O. BORLEY,
16th April, 1930.

Annexure A to No.

Translation from p. 146 of Proceedings of Norwegian Odelsting, 1929.

At a meeting of the Odelsting on 14th June, 1929, the following Bill concerning the catching of baleen whales was adopted.

§ 1.

The provisions of the present law shall apply to the catching of baleen whales—including bottle-nosed whales—carried on by Norwegian citizens or companies.

Norwegian shipowners who let "floating factory ships" (*kokeriskib*) to be chartered for whaling—whether on inland or maritime waters—shall be held responsible that whaling is not carried on in contravention of the present law.

§ 2.

Any persons desiring to engage in such fishery or to let "floating factory" ships for the same, must apply to the competent government department. The applications must give such details as the department requires.

§ 3.

It is forbidden to catch:—

(a) Right whales—"smooth" or "Greenland" whales (*glatthvaler*), (*sletthvaler*), (*Balenidæ*).

(b) Female whales, accompanied by their calves.

(c) Whale calves accompanying their mothers.

§ 4.

The King may forbid the catching of whales in tropical or sub-tropical waters, within boundaries to be more exactly defined.

§ 5.

The King may issue more detailed regulations regarding the whale fishery referred to in § 1 and regarding its operation and supervision. When such regulations are prepared, they shall include instructions to the effect that every whale's carcase* which is regarded as suitable for the production of oil shall at least have the whole of the blubber "tried out" as well as the head and tongue and the tail portion as far as the outer opening of the rectum (*anus*).

It shall be incumbent on persons responsible for the work (the manager) to ensure that all whale carcasses* which are brought in are worked up to the fullest possible extent.

§ 6.

The King may issue regulations for telegraph or telephone communications between whaling ships and "trying out" ships (*kokeriskib*) or stations on land.

§ 7.

Harpooners and crews of whaling boats may not be engaged on contracts under which the remuneration for their work is entirely dependent on the number of whales harpooned.

§ 8.

The King may order that a tax of 20 öre per "fat" (170 kg.) of oil extracted shall be levied on all catches coming under the present law. The proceeds of this tax shall, in that case, be used, according to more detailed instructions to be issued by the King, in scientific research in the interest of Norwegian whaling, and to defray the cost of supervising the observance of the present law. The competent department† shall issue detailed instructions as to the manner in which this charge is to be paid over to it.

In special cases the King may remit the payment of this charge.

* Amended in the debate to read "whale" or "whales."

† Amended in the debate so as to reserve this power to the King.

§ 9.

The King may issue detailed instructions for supervising the observance of the present law, and may direct therein that the firms and companies referred to in § 1 and the shipping companies owning the "floating factory" ships referred to in the same paragraph, shall arrange for such ships to carry official inspectors.

§ 10.

Any person infringing the present law, or the regulations made thereunder, shall be punishable by a fine or imprisonment up to 3 months. Accessories to such offences shall be similarly punishable. Whales caught illegally, or their value, may be seized for the benefit of the Exchequer. Such seizures may also be executed against any persons through whose agency the offenders have acted.

§ 11.

The present law shall come into force forthwith.

(Signed) G. EIESTLAND, President.
NILS HJELMTEIT, Secretary.

Annexure B. to No.

Notification of the Norwegian Ministry of Commerce of 4th July, 1929.

IN accordance with the provisions of the Whaling Act of 21st June, 1929, every one intending to capture Baleen whales or to let whaling factory ships for such purpose, shall duly notify the Ministry of Commerce hereof.

The notification, which must be sent to the Ministry before the ship's departure for the whaling fields—however, in no case later than 31st July each year—shall contain information on the following points:—

- (1) Name, tonnage, home-port and name of owner of the whaling factory ship.
 - (2) Tank-capacity for oil in barrels of 170 kilograms.
 - (3) Statement regarding the material for manufacture and what it will assumably yield (in tons) of blubber, meat and bones per 24 hours. In connection with the above shall also be stated the number of blubber-boilers and press-boilers, giving the dimensions and the cubic-volume of each, as well as the number of Hartmann-apparatuses and their capacity per 24 hours, if possible, specified as to blubber, meat and bones.
 - (4) List of crew. N.B.—The name must be given of the leader of the expedition, however, not of the rest of the crew.
 - (5) Number of whaling-boats, their names and machinal power. In what fields the whaling may be carried on (South Georgia, South Shetlands, the Ross Sea, &c.).
- Omission to send the Ministry of Commerce such notification with information as indicated above is liable to punishment according to the law.

Royal Decree of 2nd August, 1929, whereby—in pursuance of the Whaling Act of 21st June, 1929—the following Regulations for the capture of whales are issued for the whaling season 1929-30:—

1. From every captured whale, oil shall be rendered out of at least:—
 - (1) All blubber.
 - (2) The head—back to the paddles—with jawbones and tongue.
 - (3) Both limbs (breast-sides).
 - (4) The tail part forward to the anus.
2. The responsible leader of the expedition shall observe that no more whales are captured than the whaling factory-ship can deal with in an adequate manner within a reasonable space of time. He shall therefore observe that the whaling-boats, if necessary, temporarily—altogether or partly—cease operations until butchering of the animals already killed is finished.
3. All whaling factory-ships and all whaling-boats, intended for use in Antarctic waters, shall have wireless telegraph and telephone installations and qualified attendants at these. As far as the whaling-boats are concerned the Ministry of Commerce can give dispensation from this provision.
4. On all whaling factory-ships the capture of whales shall be recorded in a diary (journal), kept by the responsible leader or the master or the 1st mate under the supervision and co-responsibility of the leader, viz., the Criminal Law, §§ 316 and 421.

The entries in the diary shall be made in chronological order in each Watch. Occurrences happening during a Watch may be temporarily recorded on a memorandum, but must be entered in the journal within the expiry of the 24 hours. The diary shall be legible and properly kept. Entries once made must not be erased, lined through or otherwise rendered illegible. All necessary corrections must be added as remarks. The diary shall be paginated and the pages shall be taped and duly authorised by the Customs or Norwegian Consul. The form shall be approved by the Ministry of Commerce.

5. In the diary the following entries shall be made:—

- (1) Number of captured blue whales, fin whales and other whales per 24 hours.
- (2) Sex of the whales and approximate length.
- (3) Number of flensed whales per 24 hours, specified as to blue whales, fin whales and other whales.
- (4) Number of filled blubber-boilers and press-boilers per 23 hours and also number of fillings of the Hartmann apparatuses with blubber, or meat and bones—all per 24 hours.

If other apparatuses for rendering oil are used, corresponding statements shall be made.

- (5) Total produce of oil per 24 hours and per week.
- (6) The mid-day position of the whaling factory-ship.
- (7) Direction and strength of wind, sea-conditions and, if possible, ice-conditions.

6. The diary shall be transmitted to the Ministry of Commerce at the end of the expedition together with the diaries of the whaling-boats, or legalised copies of these as far as the capture of whales is concerned.

7. The Ministry of Commerce can, to the extent that is found necessary, demand statistics regarding capture and manufacture.

8. It is prohibited to capture:—

- (a) Right whales (*balsendinæ*).
- (b) Female accompanied by calf.
- (c) Calf accompanying female.
- (d) Blue whale under 60 feet and fin whales under 40 feet.

If such whales are shot, it is prohibited to pay the gunner his usual share (whale part), even under extenuating circumstances.

9. If absolutely compelling reasons should make it impossible in a certain case to follow the provisions of the regulations regarding capture and manufacture, accurate and detailed accounts of the reasons should be entered in the catch-diary. If an official controller is on board he should be consulted beforehand.

10. All whaling factory-ships are under the obligation to take an official controller on board. He pays kr. 3.00 per 24 hours for food and berth, &c. The inspector shall have access to the catch-diary.

11. Of all oil produced a tax kr. 0.20 per barrel (of 170 kg.) shall be paid. The tax is payable to the Ministry of Commerce at the end of the whaling season—before 1st August.

12. A copy of the Whaling Act and of these Regulations shall be posted on board all whaling factory-ships and whaling-boats in a place easily seen and accessible to all.

13. Violation of the provisions of these Regulations is liable to punishment, viz., the Whaling Act of 21st June, 1929, § 10.

*Instructions for Whaling Controllers, made by the Ministry of Commerce,
16th August, 1929.*

§ 1.

The Controller shall closely watch the daily operations and record in a diary anything concerning these that may be of interest. The diary, if necessary accompanied by a supplementary report, shall be transmitted to the Ministry of Commerce on his return.

§ 2.

Any occurrence found to be in violation of the provisions of the Whaling Act or the Whaling Regulations shall immediately be pointed out to the responsible leader, and an accurate account of the fact shall be entered in the diary.

In no other way may the Controller interfere with the actions of the leader.

§ 3.

The Controller has access to the catch diary, kept by the leader (viz., the Whaling Regulations, § 10), and should ascertain that the said diary is properly and accurately kept.

§ 4.

The attention of the Controller should be directed particularly on the following points:—

- (1) That the captured whales are utilised in compliance with the regulations (viz., the Whaling Regulations, § 10).
- (2) That the capture is limited according to the capacity of the whaling factory-ship (viz., the Whaling Regulations, § 2).
- (3) That ample and accurate accounts are given whenever § 9 of the Whaling Regulations is applied.
- (4) That captured whales are properly measured (viz., the Whaling Regulations, § 5 (2)).

§ 5.

In his official capacity the Controller shall only address himself to the responsible leader; not to anybody else connected with the expedition.

§ 6.

On his return he should report on how the Whaling Act and the Whaling Regulations have worked in practice.

§ 7.

The Controller must not impart knowledge, received in his official capacity, to anybody but the Ministry of Commerce.

*Instructions for Whaling Inspectors made by the Ministry of Commerce,
16th August, 1929.*

§ 1.

The Inspector shall visit as many whaling factory-ships as possible. He shall keep an accurate diary, which on his return shall be transmitted to the Ministry of Commerce together with a report.

§ 2.

If the whaling factory-ship has an official Controller on board, the Inspector shall, as his superior officer, inspect his work and duly advise him, and can, to the extent that the law admits, give him such instructions as circumstances may dictate. If there is no Controller on board, the Inspector acts as such visiting the ship (viz., Instructions for Whaling Controllers of 16th August, 1929).

§ 3.

The chief task of the Inspector is to watch closely the daily catch and operations on board and to notice how the Whaling Act and the Whaling Regulations and also the Instructions for Whaling Controllers are being respected and how they work in practice.

§ 4.

The Inspector should, furthermore, notice the sanitary conditions on board, particularly with regard to cabins, baths, W.C., &c., also the health-conditions on board, whether the food-regulations work satisfactorily, &c.

§ 5.

The Inspector should note in his diary anything that might contribute to increase the knowledge regarding the quantity and variety of whales and their travels.

§ 6.

If possible the Inspector should also visit land-stations and report thereon. Such visitations should only be made with the permission of the Company in question.

REVISE.

[Printed from duplicate.]

579/27.

No.

LEAGUE OF NATIONS.

REPORT TO THE ECONOMIC COMMITTEE ON THE QUESTION OF WHALING
PRESENTED BY SIR SYDNEY CHAPMAN (PRESIDENT) AND M. JAHN
(RAPPORTEUR).

(E. 582.)

Geneva, 28th April, 1930.

In accordance with a decision taken by the Economic Committee at its 29th Session (July, 1929) a Committee of Experts was convened in Berlin on 3rd April, 1930.

The following experts were invited and took part in the meeting:—

France :

Prof. Ed. Le DANOIS, Secrétaire Général de la Commission de la Méditerranée, Directeur de l'Office Scientifique et Technique des Pêches Maritimes, Paris.

Germany :

M. A. HODT, Hamburg.

Great Britain :

E. R. DARNLEY, Colonial Office, London.

Dominions :

J. O. BORLEY, O.B.E., Fisheries Adviser, Colonial Office, London.

Japan :

M. OHTA, expert attaché à la Section de la Pêche de la Ministère de l'Agriculture et de la Forêt, Tokio.

Norway :

Professeur J. HJORT, de l'Université, Oslo.

Portugal :

Dr. A. de MAGALHAES RAMALHO, Directeur de l'Acquarium Vasco da Gama, Lisbonne.

United States :

Dr. Remington KELLOGG, National Museum, Washington.

Under the terms of reference of the above-mentioned decision of the Economic Committee, the experts were especially asked to consider "whether, and in what terms and in what areas, international protection of whales could be established."

The experts agreed unanimously that it was possible to assist the whaling industry by international convention, and proceeded to consider what provisions could at present be recommended for inclusion in such a Convention.

Having taken into consideration a Norwegian Bill which was put into force on 21st June, 1929, together with a Royal Decree of 2nd August, 1929, and notifications of the Ministry of Commerce of 4th July, as well as proposals put before the Committee by some of the experts, the Committee came to the conclusion that the principles and rules embodied in the attached draft Convention should be recommended to the attention of the Economic Committee and further to the consideration of the Governments, it being understood that this draft is intended to lay down only the main principles which the experts consider it desirable to include in a future Convention, that in the absence of legal experts it has not been possible to deal with the questions of law involved, and that these clauses which are common form in such conventions have not yet been added.

Remarks.

I.

The experts expressed the wish to bring to the notice of the Economic Committee the fact that in elaborating the attached draft Convention, they had considered carefully the question of including a provision similar to that appearing in the Norwegian Antarctic.—Gp. 6. 40/2373. 3. 125. 5/30. (6124) M. & S.

law referred to above, namely, that the prosecution of whaling in tropical and sub-tropical waters might be made unlawful within certain prescribed limits, but although they were unable at present to recommend the inclusion of such a clause, they thought that it should be strongly recommended to the High Contracting Parties to pursue such scientific investigations as might enable a conclusion to be reached as to whether the closure to whaling of any areas would be in the interest of the industry and, if so, what areas should be thus closed.

II.

The Japanese expert wished it recorded that in his opinion the North Pacific should be excluded from the application of Article 2 as regards all species of right whales.

III.

While the experts recognised the lack of precision attaching to the word "immature" appearing in Article 3, they were of opinion that at present it was undesirable to attempt a closer definition.

They unanimously expressed the hope that the Governments of the High Contracting Parties might be in a position to arrive at a more precise definition when scientific researches have progressed sufficiently to enable conclusions to be reached.

IV.

As regards sub-paragraph 2 of Article 4, it was recommended that the attention of Governments should be drawn to the desirability of ensuring that floating factories should so conduct their operations that the remains of whales should not be allowed to drift ashore in localities where this would cause a nuisance.

V.

It should be observed that in drafting Article 5 regard has been had to the terms of contracts generally used in some of the countries especially interested in whaling.

VI.

While unanimously agreeing upon the underlying principle of Article 7 the experts did not consider themselves in a position to recommend such a provision since it involved legal questions upon which they did not feel qualified to express an opinion.

It should be understood that the intention of this Article is that decisions regarding the institution of prosecutions should be left to individual Governments.

VII.

While unanimously agreeing upon the underlying principle of Article 8, the experts did not consider themselves in a position to recommend such a provision since it involved legal questions upon which they did not feel qualified to express an opinion.

VIII.

It is understood that in supplying the body mentioned in Article 12 with the statistical data referred to in Article 10, the High Contracting Parties will indicate in their returns the units employed in the statistics so communicated.

IX.

It is understood that provision would have to be made to give the necessary exemptions for scientific investigations.

Annexure to No.

DRAFT CONVENTION.

Article 1.

The present Convention applies only to baleens or whalebone whales.

Article 2.

The taking or killing of right whales, which shall be deemed to include North Cape whales, Greenland whales, Southern right whales, Pacific right whales and Southern Pigmy right whales, is prohibited.

Article 3.

The taking or killing of calves or suckling whales, immature whales and female whales which are accompanied by calves or suckling whales, is prohibited.

Article 4.

The fullest possible use shall be made of the carcasses of whales taken. In particular:—

(1) There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine.

The provisions of this sub-paragraph shall apply only to such carcasses or parts of carcasses as are not used for human food.

(2) Every factory, whether on shore or afloat, used for treating the carcasses of whales shall be equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones.

(3) In the case of whales brought on shore adequate arrangements shall be made for utilising the residues after the oil has been extracted.

Article 5.

Gunners and crews of whaling boats shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the size, species, value and yield of oil of whales taken and not merely upon the number of whales taken, in so far as payment is made dependent on results.

Article 6.

No vessel of the High Contracting Parties shall engage in taking or treating whales unless a licence authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party to which she belongs, or unless her owner or charterer has notified his Government of his intention to employ her in whaling and has received a certificate of notification from the said Government.

Nothing in this article shall prejudice the right of any High Contracting Party to require that in addition a licence shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking or treating whales, and such licence may be subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, independent of the nationality of the vessel.

Article 7.

(No national of the High Contracting Parties shall engage in whaling on any vessel of any nationality whatever which is not in possession of a licence or certificate of notification granted in accordance with the preceding article.)

Article 8.

(1) The High Contracting Parties agree to enforce the provisions of this Convention by means of appropriate penalties:—(a) against all vessels and all persons of whatever nationality on board in respect of all acts or defaults committed in their territory or territorial waters; (b) against their own vessels and all persons of whatever nationality on board thereof in respect of all acts or defaults wheresoever committed; (c) against their own nationals in respect of all acts or defaults wheresoever committed and on whatsoever vessel such nationals are serving.

2. In regard to the trial and punishment of infractions of the present Convention, the High Contracting Parties agree that in cases where, under the headings (a), (b) and (c) above, the authorities of more than one High Contracting Party have jurisdiction, it is desirable that, in so far as the circumstances render it applicable and practicable, preference should be given to the jurisdiction under heading (a) in preference to that under heading (b), and to that under (a) and (b) over that under heading (c), without prejudice, however, to the obligation to exercise the jurisdiction under either heading (b) or (c) when the jurisdiction, which is preferred thereto, is not applicable, or has not been exercised and cannot reasonably be exercised.

Article 9.

The geographical limits within which the articles of this Convention are to be applied, shall include all the waters of the world, including both the high seas and territorial and national waters.

Article 10.

Each High Contracting Party shall obtain with regard to their vessels engaged in the taking of whales information comprising the following particulars with regard to each whale taken, viz. :—

- (1) date of taking;
- (2) place of taking;
- (3) species;
- (4) sex;
- (5) length measured when taken out of water, estimated if cut up in water;
- (6) when foetus is present, length and sex if ascertainable;
- (7) where practicable information as to stomach contents.

Protocol ad (5) of Article 10.

The length referred to in sub-paragraphs 5 and 6 of Article 10 shall be the length of a straight line taken from the tip of the snout to the notch between the flukes of the tail.

Article 11.

Each High Contracting Party shall obtain from all factories, on land or afloat, under their jurisdiction, returns of the number of whales of each species treated at each factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them.

Article 12.

Each of the High Contracting Parties shall communicate statistical information regarding all whaling operations under their jurisdiction to a body which shall be established in order to collect and distribute statistics of whaling. The information given shall comprise at least the particulars mentioned in Article 10, and

- (1) the name and tonnage of each floating factory;
- (2) the number and aggregate tonnage of the whale catchers;
- (3) a list of the land stations which are in operation during the period concerned.

Such information shall be given at convenient intervals not longer than one year.

Article 13.

The provisions of this Convention do not apply :

- (a) in respect of vessels, to vessels of any High Contracting Party registered in any of his territories to which the Convention does not apply;
- (b) in respect of nationals, to the nationals of any High Contracting Party habitually resident in any of his territories to which the Convention does not apply;
- (c) in respect of territory or territorial waters, to any territory (or the territorial waters adjacent thereto) of any High Contracting Party to which the Convention does not apply.

Article 14.

This Convention is concluded for a period of three years from

Six months before the coming to an end of this Convention any of the High Contracting Parties may inform the Secretary-General of the League of Nations of his intention to withdraw from the Convention. In the absence of any such notification the Convention shall remain in force for a further period of one year and similarly for successive periods of one year.

Six months before the expiration of these periods of one year, any of the High Contracting Parties may notify the Secretary-General of the League of Nations of his intention to withdraw from the Convention on the expiration of the current period.

At any time after the coming into force of this Convention any two of the High Contracting Parties may cause a Conference to be called for the purpose of revising the provisions of the present Convention by making a request to that effect to the Secretary-General of the League of Nations.

Article 8.

The geographical limits within which Articles 1-6 of this Convention are to be applied, in the manner prescribed in Article 7, and subject to the provisions of Article 11, shall include all the waters of the world, including both the high seas and territorial and national waters.

Article 9.

Each High Contracting Party will obtain with regard to their vessels engaged in the taking of whales information comprising the following particulars with regard to each whale taken, viz. :—

- (1) Date of taking;
- (2) Place of taking;
- (3) Species;
- (4) Sex;
- (5) Length measured when taken out of water; estimated if cut up in water;
- (6) Where practicable length of foetus, if any;
- (7) Where practicable information as to stomach contents;

and will communicate such information to such of the other High Contracting Parties as may require it, but the names of the vessels concerned need not be communicated.

Article 10.

Each High Contracting Party shall obtain from all factories, on land or afloat, under their jurisdiction, returns of the number of whales of each species treated at each factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them. But no High Contracting Party shall be under any obligation to communicate such returns to any other High Contracting Party.

Article 11.

The provisions of this Convention do not apply—

- (a) in respect of vessels, to vessels of any High Contracting Party registered in any of his territories to which the Convention does not apply;
 - (b) in respect of nationals, to the nationals of any High Contracting Party habitually resident in any of his territories to which the Convention does not apply;
 - (c) in respect of territory or territorial waters, to any territory (or the territorial waters adjacent thereto) of any High Contracting Party to which the Convention does not apply.
-

REVISED DRAFT.

MARCH, 1930.

Convention between
for regulating the Whale Fishing in all parts of the World both within and
without Territorial Waters.

Article 1.

The taking or killing of North Cape whales, Greenland whales and Southern right whales is prohibited.

Article 2.

The taking or killing of suckling whales, immature whales and female whales which are accompanied by suckling whales is prohibited.

Article 3.

The fullest possible use shall be made of the carcasses of whales taken.
In particular:—

(1) There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine.

(2) Every factory, whether on shore or afloat, used for treating the carcasses of whales shall be equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones.

(3) Every factory on shore shall in addition be equipped with adequate apparatus for utilizing the residues after the oil has been extracted.

Article 4.

The harpooners and crews of vessels engaged in the taking of whales must not be engaged upon such terms that their remuneration for their work is dependent entirely or mainly upon the number of whales taken.

Article 5.

No vessel of the High Contracting Parties shall engage in taking or treating whales unless a licence authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party to which she belongs, and it shall be a condition of every such licence that the provisions of this Convention shall be duly observed, and such licence shall be revocable on proof of any breach thereof.

Nothing in this article shall prejudice the right of any High Contracting Party to require that in addition a licence shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking or treating whales, and such licence may be subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, independent of the nationality of the vessel.

Article 6.

No national of the High Contracting Parties shall engage in whaling in any vessel of any nationality whatever which is not in possession of a licence granted in accordance with the preceding articles.

Article 7.

(1) The High Contracting Parties agree to enforce the provisions of this Convention by means of appropriate penalties: (a) against all vessels and all persons of whatever nationality on board in respect of all acts or defaults committed in their territory or territorial waters; (b) against their own vessels and all persons of whatever nationality on board thereof in respect of all acts or defaults wheresoever committed; (c) against their own nationals in respect of all acts or defaults wheresoever committed and on whatsoever vessel such nationals are serving.

(2) In regard to the trial and punishment of infractions of the present Convention, the High Contracting Parties agree that in cases where, under headings (a) (b) and (c) above, the authorities of more than one High Contracting Party have jurisdiction, it is desirable that, in so far as the circumstances render it applicable and practicable, preference should be given to the jurisdiction under heading (a) in preference to that under heading (b), and to that under (a) and (b) over that under heading (c), without prejudice however to the obligation to exercise the jurisdiction under either heading (b) or (c) when the jurisdiction, which is preferred thereto, is not applicable, or has not been exercised and cannot reasonably be exercised.

TELEGRAMADRES } "BOTRIN"
TELEGRAPHIC ADDRESS }

TELEFOON 4 }
TEL. LINE } No. GEN. 2123



Adresser a.u.b. alle briewe aan die
Voorsitter.

All communications to be addressed to
the Chairman.

In antwoord verwys a.u.b. na
In reply please quote

No. B.T.I. 114

UNIE VAN SUID-AFRIKA.—UNION OF SOUTH AFRICA.

RAAD VAN HANDEL EN NYWERHEID.
BOARD OF TRADE AND INDUSTRIES,

75 | PARLEMENTSTRAAT,
| PARLIAMENT STREET.

KAAPSTAD,
CAPETOWN.

14th February, 1930.

The Secretary for External Affairs,
75 Parliament Street,
CAPE TOWN.

CONVENTION FOR REGULATING WHALE FISHING
IN ALL PARTS OF THE WORLD BOTH WITHIN
AND WITHOUT TERRITORIAL WATERS.

Owing to the impracticability of sending an expert from South Africa to attend the above Convention, the Honourable the Minister of Mines and Industries has decided to invite Mr. Borley, Fisheries Adviser to the Colonial Office, to represent South Africa at this Convention, in accordance with the Resolution passed at the Meeting of Dominion Representatives on the Interdepartmental Committee on the Antarctic, held in London, on the 26th July, 1929.

The Revised Draft Convention of October, 1929, in so far as it affects South Africa should be adopted and Mr. Borley should be asked to adhere to the various articles set forth therein. Should any suggestions be put forth departing from these articles, it is desired that Mr. Borley should first consult the

South....

There is nothing new in this minute. The main thing that the Union Govt. wishes to be consulted before the Convention is materially altered, is embodied in our L.L. of 14/2/30

P. 31/3/30

25
M. J. ...
13/2

To: Secretary for External Affairs.
Date. 14.2.30.
Page. Two.

South African Government before giving his consent to any revision. As far as this is concerned, the question of the imposition of size limits for the various species of whales and also the enforcing of close seasons may be broached and the views of the South African Government should first be obtained before any agreement is made.

As far as the first question is concerned our whaling regulations provide protection for female sperm whales under 30 feet in length.

The futility of establishing a close season in South African waters is apparent while no provision is made along similar lines in the Antarctic.

The Board would appreciate it if a communication embodying the above suggestions could be transmitted to Mr. Borley at the time of inviting him to act on our behalf.

W. Fahey
for CHAIRMAN,
BOARD OF TRADE AND INDUSTRIES.

TELEGRAM.

FROM: Minister of External Affairs.

TO: Secdomin, London.



14.2.30.

20. Confidential. With reference to your telegram of 7th February. No. 18 Confidential and your despatch Dominions Treaty 91 of 24th October. His Majesty's Government in the Union of South Africa would be grateful if Mr. Borley, Fisheries Adviser to the Colonial Office could represent the interests of the Union of South Africa on Committee of Experts on Whaling at Geneva. Draft Convention is generally acceptable to Union Government, who would like to be consulted if any departure therefrom is proposed.

*Entered and copies
to Mr van Zyl.*

21 14/2/30

*Mr van Zyl.
14/2/30*

BS

Perd 31/3/30

28

Telegram



TELEGRAM.

FROM: Minister of External Affairs.

TO: Secdomin, London.

14.2.30.

20. Confidential. with reference to your telegram of 7th February. No. 18 Confidential and your despatch Dominions Treaty 91 of 24th October. His Majesty's Government in the Union of South Africa would be grateful if Mr. Borley, Fisheries Adviser to the Colonial Office could represent the interests of the Union of South Africa on Committee of Experts on Whaling at Geneva. Draft Convention is generally acceptable to Union Government, who would like to be consulted if any departure therefrom is proposed.

BS

Please despatch

BS

14/2/30

Telegram

From: Minister of External Affairs

To: Secdomin - London

14 February 1930

20. Confidential.

With reference to your telegram
~~C~~ of 7th February: No 18 Confidential
and your despatch Dominions Treaty 91
of 24th October. ~~Union~~ His Majesty's
Govt in the Union of S. A. would be grateful
if Mr Borley, Fisheries Adviser to the
Colonial Office could represent the interests
of the Union of S. A. on Committee of Experts
on Whaling at Geneva. Draft Convention
is personally acceptable to Union Government, who
would like to be consulted if any departure
therefrom is proposed.

14/2/30

Mr. Neser
Please despatch

15

M 109/5

IMMEDIATE TELEGRAM.



FROM: Secretary of State for Dominion Affairs.

TO: Minister of External Affairs.

7th February, 1930.

Confidential. My telegram of the 16th January Circular H.13 Confidential Regulations whaling. We understand name of expert(s) considered suitable for appointment to expert Committee should be communicated to Economic Committee of League of Nations not later than 15th February. Matter is now, therefore, most urgent and we should be grateful for earliest possible reply. Canada 18. New Zealand 25. Union of South Africa 18.

Entered and Copies
to Mr van Dyke.
M.G.

MN.

Ask Mr Borley to represent Advance copy already
us to adhere to the terms to Mr van Dyke
of the Draft Convention & 8/2/30.
not to agree to any departure
therefrom without consulting Mr van Dyke
us. A.S. 14/2, 6/2/30
Mon. 8/2

TELEGRAMADRES } "BOTRIN."
TELEGRAPHIC ADDRESS }

TELEFOON | No. Cen. 2123.
TELPHONE |



Adresseer a.u.b. alle briewe aan die
Voorsitter.

All communications to be addressed to
the Chairman.

In antwoord verwoys a.u.b. na
In reply please quote

No. B.T.I. 114.



UNIE VAN SUID-AFRIKA.—UNION OF SOUTH AFRICA.

RAAD VAN HANDEL EN NYWERHEID,
BOARD OF TRADE AND INDUSTRIES,

75 | PARLEMENTSTRAAT,
| PARLIAMENT STREET.

KAAPSTAD,
CAPETOWN.

3rd February,

1930.

The Secretary for External Affairs,
75 Parliament Street,
CAPE TOWN.

CONVENTION FOR REGULATING WHALE FISHING
IN ALL PARTS OF THE WORLD, BOTH WITHIN
AND WITHOUT TERRITORIAL WATERS.

In reply to your minute No. P.M. 107/5 of the
17th ultimo, I beg to inform you that, should it be
found impossible to send an expert to represent South
Africa at the meeting of the proposed Committee of
Experts on the 3rd April next, the Board agrees with
the suggestion that Mr. Borley, the Fisheries Adviser
to the Colonial Office, should represent our interests.

*see note by
Minister
on telegram
14/2/30*

agb...

CHAIRMAN,
BOARD OF TRADE AND INDUSTRIES.

*Mr van der
3. 2. 30*

Advance copy



Am 107/5

IMMEDIATE TELEGRAM.

FROM: Secretary of State for Dominion Affairs.
TO: Minister of External Affairs.

7th February, 1930.

Confidential. My telegram of the 16th January Circular
B.13 Confidential Regulations whaling. We understand
name of expert(s) considered suitable for appointment
to expert Committee should be communicated to Economic
Committee of League of Nations not later than 15th
February. Matter is now, therefore, most urgent and
we should be grateful for earliest possible reply.
Canada 18. New Zealand 25. Union of South Africa 18.

MN.



Mr. van Dyke

7-2-30

INMEDIATE TELEGRAM.



PM 107/5

FROM: Secretary of State for Dominion Affairs.

TO: Minister of External Affairs.

7th February, 1930.

With reference to my letter No 4 of 26 November 1929, I have the honor to report that the Experts Committee will meet with a view of this year, to advise of the appointment of Professor John Hays, who is at present engaged in research work on the whaling industry.

Confidential. My telegram of the 16th January Circular B.13 Confidential Regulations whaling. We understand name of expert(s) considered suitable for appointment to expert Committee should be communicated to Economic Committee of League of Nations not later than 15th February. Matter is now, therefore, most urgent and we should be grateful for earliest possible reply. Canada 18. New Zealand 25. Union of South Africa 18.

Lt von Bonder

Her name Tyens, (Room no 9, PM's office)
would like to see you as soon as possible in connection with the telegrams. Urgent

J

107/5



~~Am 8/10~~ ~~Am 10/1/30~~

No 21.

Union of South Africa.

Telegraphic address:
D l h a r d i n g

Office of the
Accredited Representative,
1 Chemin de Miremont, Geneva,
20 January, 1930.

The Secretary for External Affairs,
C a p e t o w n .

Whaling.

With reference to my Minute No 4 of 26 November 1929, I have the honour to report that the Experts Committee will not meet until April of this year, to allow of the attendance of Professor Johan Hjort, who is at present engaged in research work off the South American coasts.

Particulars are quoted hereunder of certain publications on the subject, which if not already in the library of the Board of Trade and Industries may be of some interest.

F. F. Pinner
Accredited Representative.

Whales and Whale Foetuses: Statistics of catch and measurements collected from the Norwegian Whalers' Association 1922-1925, by Sigurd Risting, Secretary of the Norwegian Whalers' Association, Trollhaug, near Sandefjord.

Scientific Investigations
1928, No III, On Whales Landed at the Scottish Whaling stations (by Prof. D'Arcy W. Thompson) H.M. Stationery Office.
Proposals of the Copenhagen Whaling Committee of the International Council for the Exploration of the Sea.

M. S. Pinner
12/30

29
[Faint handwritten notes and signatures]

JU/MN

P.M.107/5

CONFIDENTIAL

Confidential

CAPETOWN,

17th January, 1930 .

The Chairman,
Board of Trade and Industries,
CAPETOWN.

Convention for regulating Whale Fishing in all
parts of the World, both within and without
Territorial Waters.

I beg to draw your attention to my Minute of the
16th November, 1929, transmitting a copy of a Confidential
Despatch Doms.Treaty No.91 of the 24th October, 1929, on
the above subject, to which no reply has yet been received.

A copy of a confidential telegram Circ.B.13
of the 16th instant, received from the Secretary of State
for Dominion Affairs, relative to the above, is enclosed
for your consideration. I would like to point out
that the Economic Committee of the League of Nations met
on the 15th instant and it would thus be appreciated if
you would consider this matter as urgent.

Urgent Reminded
sent on 28/1/30

Recd 6/2/30
29/1/30
Hys

[Signature]
SECRETARY FOR EXTERNAL AFFAIRS.

CONFIDENTIAL



Rm 107

TELEGRAM.

FROM: Secretary of State for Dominion Affairs.

TO: Minister of External Affairs.

16.1.30.

tabbed

Confidential. Circular B. 13. My despatch of the 24th October Dominions Treaty No. 91, Confidential. Regulation of Whaling, Economic Committee of League of Nations have now fixed the 3rd April as the date of meeting of the proposed Committee of Experts and have invited Sir Sydney Chapman to forward as soon as possible the name of expert considered suitable for appointment to the Committee. We should therefore be grateful if reply to my despatch under reference might be communicated by telegraph at a very early date.

Entered and copied to his own file.

CSS

Sh 16/1/30

*Mr Syon
PL
wrote Bd of Ex-De
up. This matter sh. not have been filed
16/1/30*

AML 107/5



TELEGRAM.

FROM: Secretary of State for Dominion Affairs.

TO: Minister of External Affairs.

16.1.30.

Confidential. Circular B. 13. By despatch of the 24th October Dominions Treaty No. 91, Confidential. Regulation of Whaling, Economic Committee of League of Nations have now fixed the 3rd April as the date of meeting of the proposed Committee of Experts and have invited Sir Sydney Chapman to forward as soon as possible the name of expert considered suitable for appointment to the Committee. We should therefore be grateful if reply to my despatch under reference might be communicated by telegraph at a very early date.

CSB

JU/CSS

P.M. 107/5.

UNION OF SOUTH AFRICA

DOMINIONS No. 112

CONFIDENTIAL

CAPE TOWN.

13th January, 1930.

CONFIDENTIAL

The Chairman,
Board of Trade and Industries,
CAPE TOWN.

Norway : Whaling Industry.

I forward herewith, for your information,
a copy of a Confidential despatch Dominions No. 572
of the 17th December 1929, and enclosures thereto,
received from the Secretary of State for Dominion
Affairs, regarding Norwegian regulations concerning
the capture of Baleen Whales.

A copy of Confidential despatch Dominions No.
321 of the 18th July 1929, to which reference is made,
was sent to the Secretary for Mines and Industries on the
7th August, 1929.

M. S. J. van der Merwe
SECRETARY FOR EXTERNAL AFFAIRS.

File

Mm 107/5



UNION OF SOUTH AFRICA.
Dominions No. 572
Confidential.

Downing Street,

17 December, 1929.

Sir,

With reference to my Confidential despatch, Dominions No. 321 of the 18th July, I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copies of four despatches from His Majesty's Representative at Oslo regarding Norwegian regulations concerning the capture of Baleen whales.

13th July
8th Aug.
29th Aug.
22nd Nov.

2. I enclose also a copy of a despatch from His Majesty's Representative regarding the proposed organisation of a central Institution for international whaling statistics.

17th AUG.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Passfield

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Mr. Syen
10/1/30

Copy

(W.8643/b1/50)

No. 334.

British Legation,

Oslo.

29th August, 1929.

Sir,

With reference to my despatch No.231 of the 13th ultimo, I have the honour to transmit to you herewith translation of regulations, which have been issued by virtue of the new Whaling Law, dealing with the appointment of inspectors on board whaling ships. Since most of these vessels have already left Norway for the Antarctic, there has been insufficient time to deal with the question thoroughly and appoint independent government inspectors. In these circumstances the Government has had recourse to the expedient of appointing the medical officers in the service of the whaling companies, who are already serving on board the whaling ships. This manner of dealing with the question has caused considerable criticism in the Press, mainly on the ground that some of the duties of the inspectors ought, according to the Norwegian Shipping Law, to be performed by the captains of the vessels. In particular, it is pointed out that a whaling inspector has no legal authority to deal with such matters as those mentioned in paragraph (4) of the regulations, and that their interference is likely to cause confusion on board. It is further clear that a servant of the whaling company, whose future depends

on

The Right Honourable
Arthur Henderson, M.P.
His Majesty's Principal Secretary of State
for Foreign Affairs,
LONDON.

on keeping on good terms with his employers, will not have that independence which it is essential that an inspector should enjoy if he is to be of any real use in checking abuses regarding methods of whaling.

I have, etc.,

(Signed) F.O. LINDLEY.

TRANSLATION.

THE CONTROL OF WHALING.

Instructions to Inspectors and Controllers
from the Ministry of Commerce.

The Ministry of Commerce have issued the following
instructions to inspectors and controllers.

Controllers.

Para.1. It is incumbent on a controller to
watch the daily work with attention, and to keep a journal
concerning everything which is assumed to be of interest
in connexion therewith. The journal with any further
report which may be made shall be submitted to the
Ministry of Commerce on return home.

Para.2. If anything takes place which is assumed
to be contrary to the Whaling Law or the Whaling
Regulations the attention of the manager concerned shall
at once be directed to the matter, and full remarks
thereon be made in the journal.

It is not permissible for the controller
to interfere with the manager in any other way.

Para. 3. The controller shall have access to
the manager's catch journal, Cp. para. 10 of the Whaling
Regulations, and should convince himself that it is
exactly and correctly kept.

Para. 4. The controller should pay special
attention to the following:-

- (1) That the whale is utilised in accordance
with

with the regulations, (Cp. para. 10 of the latter).

(2) That the catch is adjusted according to the capacity of the floating factory (Cp. para.2 of the regulations).

(3) That if para. 9 of the Regulations is applied, full and correct information is given.

(4) That the whales brought in are properly measured (Cp. para. 5, section 2 of the Regulations).

Para. 5. The controller in his capacity as such must only address himself to the person who is responsible for the work (manager), and not to other persons connected with the ship.

Para. 6. On arrival home a report must be made as to how the law and regulations have worked in practice.

Para. 7. Information regarding matters which come to the knowledge of the controller in the exercise of his duties must be given to the Ministry of Commerce only.

For Whaling Inspectors.

Para. 1. The inspector is bound to visit as many floating factories as possible. He must keep an exact journal which on his return home shall be submitted to the Ministry of Commerce together with a report.

Para.2. If the floating factory concerned has a public controller on board, the inspector as his superior shall control and guide him, and within the limits of the law give him such instructions as the situation may require. If no controller has been appointed, the inspector acts as such as long as he is on board. Cp. Instructions of August 16th, 1929.

Para. 3.

Para.3. The chief task of the Inspector is carefully to watch the daily catch and work, and to control the manner in which the whaling law, the whaling regulations, and, if any, instructions to the controller, are observed and work in practice.

Para. 4. Further, the inspector should also take note of the state of cleanliness on board, especially in cabins, baths, W.C., etc., of the hygienic conditions, whether the existing regulations for board are found satisfactory, etc.

Para. 5. The inspector should enter in his journal everything which may contribute towards elucidating the occurrence and migration of whales.

Para. 6. The inspector should also visit Norwegian land stations if he has an opportunity of doing so, and make a report thereon.

It is the assumption that the consent of the company concerned has been given.

Copy.

(W 11289/51/50)

No. 475.

BRITISH LEGATION

OSLO.

November 22nd, 1929.

Sir,

I have the honour to report that Herr Walnum, Chairman of the Norwegian Whaling Committee, delivered a lecture in Oslo last night on the subject of whaling.

2. After referring to the increasing growth in the Norwegian whaling industry, 10,000 Norwegians are directly employed and many more indirectly employed according to Herr Walnum, he referred to the interest in this industry which is now evinced in other countries and especially in England. The question of the international control of whaling had been put before the League of Nations and was still under consideration at Geneva.

Dr. Suarez, an Argentine, Herr Walnum mentioned, had carefully studied the question of the stock of whales which was estimated by him to amount to some 100,000 or 120,000.

3. Passing to the new Norwegian whaling regulations (please see Sir Francis Lindley's despatches Nos. 281 and 334 of 13th July and 29th August last, respectively,) Herr Walnum explained that they would greatly help to preserve the stock of whales and hoped that they would be actually adhered to.

4.

Right Honourable
Arthur Henderson, M.P.,
His Majesty's Principal Secretary of State
for Foreign Affairs, London.

4. Herr Walnum then proceeded to discuss the danger of the margarine trust. The Margarine Union and Lever Brothers had, he stated, a capital of something like one thousand eight hundred million Kroner, and he feared that the Trust might undercut the prices. This Trust had moreover begun to secure interests in Norwegian whaling companies, and he thought that the results would be fatal if it were to control the whaling industry. The law, Herr Walnum stated, ordains that $\frac{3}{10}$ th of the capital of a Norwegian whaling enterprise must be Norwegian if the ships of the company were to sail under the Norwegian flag. He thought that the law should be more stringent, but the danger was not very imminent on account of the fact that foreign companies were still dependent on Norwegian men and material for their whaling enterprises.

5. Referring again to the Norwegian regulations introduced this year to restrict the killing of whales, Herr Walnum expressed the opinion that England would shortly follow suit.

6. I am forwarding a copy of this despatch to the Department of Overseas Trade.

I have, etc.,

(Sd.) Alvary Gascoigne.

Kr.
1,800,000,000

Copy.
(W 7846/51/50)
No. 315.

British Legation,
O S L O.
8th August, 1929.

Sir,

With reference to my despatches Nos. 240 and 281 of the 24th June and 13th July last respectively, I have the honour to transmit to you herewith copy in translation of the temporary regulations for the capture of baleen whales as published by "Norges Handelsog Sjøfartstidende" of the 2nd instant.

I have, etc.,

(Signed) F.O. LINDLEY.

The Right Honourable
Arthur Henderson, M.P.,
His Majesty's Principal Secretary of
State for Foreign Affairs,

LONDON.

TRANSLATION

TEMPORARY REGULATIONS FOR THE
CAPTURE OF BALEEN WHALES.

Laid down by the Royal Resolution of August 2nd 1929.

In accordance with the law regarding the capture of baleen whales of June 21st, 1929, it is determined with effect for the whaling season 1929-30 that:

§ 1. Of every whale caught oil shall be boiled from at least:-

- (1) All blubber.
- (2) The head, reckoning as far back as the flippers - with the jaw bones and the tongue,
- (3) Both sides of the breast,
- (4) The tail part as far as the outer orifice of the rectum (the anus).

§ 2. The manager responsible for operations is under obligation to see to it that there are not caught more whales than the factory can work up in a warrantable manner within a reasonable time. He is, therefore, under obligation to see that the catchers, if necessary, temporarily cease catching, wholly or partially, until the animals already shot have been worked up.

§ 3. Every floating factory and every whaling craft which it is intended to employ in Antarctic waters is to be equipped with wireless telegraph or telephone and attendants who can employ them. From this regulation the Ministry of Commerce

may

may grant dispensation in so far as concerns whaling craft.

§ 4. On every floating factory there is to be kept a catch journal by the manager, or by the captain or mate under the superintendence and co-responsibility of the manager. Cfr. §§ 316 and 421 of the Criminal Code. The journal is to be kept in chronological order for each watch. What takes place in an individual watch may be jotted down provisionally in rough, but must be entered before the end of the day. (x i.e. the current 24 hours).

The journal is to be kept tidily and clearly. What is once entered must not be erased, crossed out or otherwise rendered illegible. If a correction is necessary it must be added as an observation. The journal is to have numbered pages and to be taped and sealed and is also to be authorised by the Customs authorities or a Norwegian consul. Its form is to be approved by the Ministry of Commerce.

§ 5. The following information is to be entered in the journal:

(1) the catch of blue whales, of finbacks and of other whales brought in each day.

(2) the sex and approximate length of the whale.

(3) the number of whales flensed per day, specified according to blue whales, finbacks and other whales.

(4) the number of blubber boilers and press boilers filled, as well as the number of fillings of Hartmann apparatus with blubber or flesh and bone, in each case per day.

If

If other kinds of boiling apparatus are employed, corresponding information is to be given with regard to them.

(5) the total production of oil per day and week.

(6) the midday position of the floating factory.

(7) the direction and strength of the wind, the state of the sea and, if possible, ice conditions.

§ 6. The journal is to be sent to the Ministry of Commerce when the whaling ends, together with the journals of the catchers or attested extracts therefrom in so far as concerns the catching.

§ 7. The Ministry of Commerce may require statistical information regarding the catch and its preparation to such extent as is considered necessary.

§ 8. It is prohibited to catch:

(a) right whales (smooth or straight-backed whales) (balaenidae),

(b) cows accompanied by calves,

(c) calves accompanying their mother,

(d) Blue whales under 60 ft. and fin-backs under 40 ft. If such whales are shot, it is prohibited to pay the marksmen concerned his share (whale share), even if extenuating circumstances are present.

§ 9. If absolutely cogent circumstances entail on any occasion that the provisions of the regulations with regard to catch and preparation cannot be observed, a detailed and exact explanation of the reason shall be given in the journal. If there is a public controller on board, he should first be conferred with.

§ 10.

§ 10. Every floating factory is under obligation to carry a public controller. For board and loading the controller is to pay Kr.3.- a day. The controller is to have access to the vessel's catch journal.

§ 11. On all oil which is produced there is to be paid a due of 20 øre per barrel (of 170 kgs.). The due is to be paid in to the Ministry of Commerce at the end of the whaling season and not later than August 1st.

§ 12. A copy of the law and these regulations are to be posted up on every floating factory and every whaling craft (catcher) in a conspicuous place which is accessible to all.

Transgression of the regulations is punishable, Cfr. § 10 of the Whaling Law of June 21st, 1929.

Copy.

(W 7022/51/50)

No. 281.

BRITISH LEGATION,

OSLO.

13th July, 1929.

Sir,

With reference to my despatch No. 240 of the 24th ultimo, I have the honour to transmit to you herewith copy, in translation, of a Proclamation, dated the 4th instant, which has been issued by the Ministry of Commerce relative to the actual execution of the Law regulating the capture of Baleen whales. In this connexion the Norwegian press of the 10th instant stated that the Ministry of Commerce would send two inspectors to the southern whaling fields during the next season. These inspectors are destined to control the capture of the whales as laid down in paragraph 3 of the new Law, and it will certainly be difficult for them to maintain the strict supervision required.

I have, etc.,

(For H.M. Minister)

(Signed) A. GASCOIGNE.

The Right Honourable

Arthur Henderson, M.P.,

His Majesty's Principal Secretary

of State for Foreign Affairs, London.

Copy.

TRANSLATION.

PROCLAMATION BY THE MINISTRY OF COMMERCE.

4th July.

According to the Law of the 21st June, 1929 regulating the capture of Baleen whales, anyone desirous of engaging in whaling of this nature or of hiring a floating factory for such whaling must give notice thereof to the Ministry of Commerce.

The notification which must be forwarded before the departure of the ship to the field - though at the latest before the 31st July - must contain the following information:-

1. The name of the floating factory, its tonnage, port of registry and name of owner.
2. Tank capacity for oil in barrels of 170 kilogrammes.
3. A statement of the production material and its estimated productional capacity in tons of blubber, meat and bone per 24 hours. In this statement are to be included also the number of blubber cookers and pressure-boilers with the dimensions and cubic capacity of each and also the number of Hartmann apparatuses and their capacity per 24 hours specified if possible for blubber and meat and bone.
4. A statement regarding the crew.

NOTE. The statement shall contain the name of the Manager but not the names of the other members

members of the crew.

5. The number of catchers with information regarding their names and engine power.

6. The field where the whaling is to be carried on (South Georgia, South Shetland, Ross Sea, etc.)

Omission to forward such a statement containing the information required is punishable according to the law.

Copy

(N.3805/3805/30)

No.324.

BRITISH LEGATION,

OSLO.

17th August, 1929.

Sir,

I have the honour to enclose translation of resolutions passed at a Cabinet Council yesterday with regard to the appointment of a Committee to organise a Central Institution for international whaling statistics.

2. It appears from a statement made to the "Tidens Tegn" by an official of the Ministry of Commerce that the Norwegian Government have taken this action at the instance of the International Council for Deep Sea Research.

3. The chairman of the Committee, Mr.G.Jahn, is director of the Statistical Central Bureau and Mr.Risting is Secretary to the Norwegian Whaling Association. The name of Professor Hjort is, of course, well-known to you.

4. I am sending a copy of this despatch to the Department of Overseas Trade.

I have etc.

(sgd) F.O.Lindley.

The Right Honourable

Arthur Henderson, M.P.

Copy

At a Cabinet Council on August 16th the following resolutions were passed.

(1) A Committee is to be appointed to organise a central Institute for International Statistics regarding whaling.

(2) Mr.G.Jahn is to be appointed Chairman and as other members:

Professor Dr.T.Hjort, and
Headmaster S.Risting.

"Tidens Tegn" 18/8/1929.

Union of South Africa

OFFICE OF THE ACTING SECRETARY,
100 CHURCH STREET, PRETORIA,
20 December 1929.

20th December, 1929.

The Secretary for External Affairs,

The Chairman,
Board of Trade and Industries,
PRETORIA.

Whaling.

Whaling.

I beg to acknowledge receipt of the copy of your
letter of 17/12/29. With further reference to your minute B.T.I.114
of 28th September, 1929, I beg to inform you that
Major Pienaar reports that he has arranged with the
Secretariat of the League of Nations to give him an
opportunity of remaining in close touch with the
meetings of the Experts Committee. The Economic
Committee meets on 15th January, 1930.

W. S. J. van der Merwe
ACTING SECRETARY FOR EXTERNAL AFFAIRS.

3

PM 107/5

No.4.

Union of South Africa.

Office of the Accredited Representative,
1 Chemin de Miremont, Geneva,
26 November 1929.

The Secretary for External Affairs,
P r e t o r i a .

Whaling.

I beg to acknowledge receipt of the copy of your P.M. 107/5 of 24 October, and to report that I have arranged with the Secretariat of the League of Nations to give me an opportunity of remaining in close touch with the meeting of the Experts Committee. The Economic Committee meets on 15 January 1930.

F. F. Paganon.

Accredited Representative.

*M. J. D. you
18/12.*

received, and
DEPARTMENT OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

JU/MN

P.M.107/5

PRETORIA,
16th November, 1929.

The Chairman,
Board of Trade and Industries,
PRETORIA.

Convention for regulating Whale Fishing
in all parts of the World both within
and without Territorial Waters.

I forward herewith, for your consideration,
copy of a Confidential Despatch Dominions Treaty
No.91 of the 24th October, and two copies of the
enclosure thereto, on the above subject.

M. J. van der Merwe
ACTING SECRETARY FOR EXTERNAL
AFFAIRS.

*Pend.
25/11/29
R. G. J.*



UNION OF SOUTH AFRICA.
Dominions Treaty No. 91
Confidential.

Downing Street,

24 October, 1929.

Sir,

I have the honour to state, for the information of His Majesty's Government in the Union of South Africa, that His Majesty's Government in the United Kingdom have had under consideration for some time past the question of the international regulation of whaling with special reference to the discussion of this question by the Economic Committee of the League of Nations and the International Council for the Exploration of the Sea.

2. It will be recalled that by a resolution of September 22nd, 1924, the Assembly of the League of Nations requested the Council "to convene a Committee of Experts whose duty it would be, after consulting the necessary authorities:-

- (1) To prepare a provisional list of the subjects of international law, the regulation of which by international agreement would seem to be most desirable and realisable at the present moment;
- (2) After communication of the list by the Secretariat to the Governments of States, whether Members of the League or not, for their opinion, to examine the replies received; and

(3)

Mr. [unclear] 13/10/29

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

(3) To report to the Council on the questions which are sufficiently ripe and on the procedure which might be followed with a view to preparing eventually for conferences for their solution".

3. In accordance with these terms of reference, the Committee of Experts for the Progressive Codification of International Law addressed to the Governments of States Members of the League seven Questionnaires dealing with a certain number of subjects, including the following question:- "whether it is possible to establish by way of international agreement rules regarding the exploitation of the products of the sea".

4. Following the receipt of replies from the various Governments (which were generally in favour of some action, so far as whaling was concerned) and an expression of opinion from the Committee for Codification of International Law that the question in its present stage was more suitable for consideration by the Economic Committee, the Assembly adopted the following resolution on September 23rd, 1927:-

"To instruct the Economic Committee of the League to study, in collaboration with the International Council at Copenhagen and any other organisation specially interested in this matter, the question whether and in what terms, for what species and in what areas, international protection of marine fauna could be established. The Committee will report to the Council the results of its enquiry indicating whether a Conference of Experts should be convened for such purpose at an early date".

5. The Economic Committee at its meeting in November, 1927, appointed a sub-committee to consider the question in pursuance of this resolution. The sub-committee communicated with the International Council for the Exploration of the Sea, and representatives of the sub-committee mentioned above attended at a meeting of the Council at Copenhagen in June, 1928. In April 1929 certain resolutions relating to the protection of whales, to be addressed to Governments, were adopted at the meeting of the Council of Copenhagen in London.

6. In July last the sub-committee recommended to the Economic Committee that a Committee of Experts should be established to consider (a) whether the problem of the regulation of whaling could be solved by an international convention and (b) by what sort of convention. The Economic Committee have accepted this recommendation and it is anticipated that arrangements will be made for a Committee of Experts to be convened at Geneva in the early spring of 1930. It is understood that it is contemplated that the Committee of Experts will consist of:-

One person of Norwegian nationality
one from the United Kingdom
one, or two, belonging to the Dominions
one from France
one from Germany
one from Japan, and possibly, also
one from the United States of America and
one from the Argentine or some other South American State.

7. After carefully reviewing the position in the light of these developments His Majesty's Government in the United Kingdom consider it very desirable that steps should be taken to provide the Committee of Experts with a suitable basis

basis for discussion, if only to avoid the risk of proposals being put forward from other quarters which might be ill-conceived and embarrassing. In view of the widespread and, as it would seem, not unjustifiable apprehension that the continued unrestricted killing of whales may so reduce the stock as to bring the whaling industry into danger of destroying itself, the time would appear to have arrived when an endeavour may be made, with some prospect of success, to secure international co-operation in the work of conserving the whale. Steps have therefore been taken to prepare the enclosed draft Convention, which follows in the main the resolutions of the International Council for the Exploration of the Sea and the object of which is to make certain definite provisions with regard to the kind of whales that should be conserved and in this connection to impose an elementary standard of conduct on vessels and individuals participating in the whaling industry. It is proposed, if this draft should commend itself to His Majesty's Governments in the Dominions, to arrange that the expert selected from the United Kingdom shall, in co-operation with the expert or experts selected from the Dominions, put forward the draft convention for discussion in the Committee, in the hope that the proposals contained in it will be found generally acceptable to their colleagues.

8. It will, of course, be appreciated that the members of the Committee of Experts will not be directly nominated by, and will not therefore be representative of the Governments of their respective countries. The procedure is that members of the Economic Committee will be asked to
forward

forward names of experts considered suitable for appointment and invitations will be addressed by the Economic Committee direct to the experts selected. In the circumstances, it would be of assistance to Sir Sydney Chapman, the representative of this country on the Committee, if the names of any experts whom His Majesty's Governments in the Dominions would regard as suitable for appointment by the Economic Committee could be communicated as soon as possible. His Majesty's Government in the United Kingdom would be grateful if they could also be informed whether the enclosed draft convention, and the procedure indicated in the foregoing paragraph, would be generally acceptable to His Majesty's Governments in the Dominions.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Passfield

REVISED DRAFT.

OCTOBER, 1929.

Convention between
for regulating the Whale Fishing in all parts of the World both within and
without Territorial Waters.

Article 1.

The capture of North Cape whales, Greenland whales and Southern right whales is prohibited.

Article 2.

The capture of suckling whales or of immature whales or of females which are accompanied by suckling whales is prohibited.

Article 3.

The fullest possible use shall be made of the carcass of whales captured or killed. In particular:—

(1) There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine.

(2) Every factory, whether on shore or afloat, used for treating the carcass of whales shall be equipped with adequate apparatus not only for the extraction of blubber but also for the boiling and treating of flesh and bones.

Article 4.

The harpooners and crews of vessels engaged in the capture or taking of whales must not be engaged upon such terms that their remuneration for their work is dependent entirely or mainly upon the number of whales captured or killed.

Article 5.

No vessel of the High Contracting Parties shall engage in the taking or capture of whales unless a licence authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party to which she belongs, and it shall be a condition of every such licence that the provisions of this Convention shall be duly observed, and such licence shall be revocable on proof of any breach thereof.

Nothing in this article shall prejudice the right of any High Contracting Party to require that in addition a licence shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking, landing or treating whales, and such licence may be subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, independent of the nationality of the vessel.

Article 6.

No national of the High Contracting Parties shall engage in whaling in any vessel of any nationality whatever which is not in possession of a licence granted in accordance with the preceding articles.

Article 7.

(1) The High Contracting Parties agree to enforce the provisions of this Convention by means of appropriate penalties: (a) against all vessels and all persons of whatever nationality on board in respect of all actions or defaults committed in their territory or territorial waters; (b) against their own vessels and all persons of whatever nationality on board thereof in respect of all actions or defaults wheresoever committed; (c) against their own nationals in respect of all actions or defaults wheresoever committed and on whatsoever vessel such nationals are serving.

(2) In regard to the trial and punishment of infractions of the present Convention, the High Contracting Parties agree that in cases where, under headings (a) (b) and (c) above, the authorities of more than one High Contracting Party have jurisdiction, it is desirable that, in so far as the circumstances render it applicable and practicable, preference should be given to the jurisdiction under heading (a) in preference to that under heading (b), and to that under (a) and (b) over that under heading (c), without prejudice however to the obligation to exercise the jurisdiction under either heading (b) or (c) when the jurisdiction, which is preferred thereto, is not applicable, or has not been exercised and cannot reasonably be exercised.

Article 8.

The geographical limits within which Articles 1-6 of this Convention are to be applied, in the manner prescribed in Article 7, and subject to the provisions of Article 11, shall comprise all the waters of the world, including both the high seas and territorial and national waters.

Article 9.

Each High Contracting Party will obtain with regard to their vessels engaged in the taking or capture of whales information comprising the following particulars with regard to each whale taken, viz. :—

- (1) Date of capture;
- (2) Place of capture;
- (3) Species;
- (4) Sex;
- (5) Length measured when taken out of water; estimated if cut up in water;
- (6) Where practicable length of fœtus, if any;
- (7) Where practicable information as to stomach contents;

and will communicate such information to such of the other High Contracting Parties as may require it, but the names of the vessels effecting capture need not be communicated.

Article 10.

Each High Contracting Party shall obtain from all factories, on land or afloat, under their jurisdiction, returns of the number of whales of each species treated at each factory and of the amount of oil, meal, guano and other products derived from them. But no High Contracting Party shall be under any obligation to communicate such returns to any other High Contracting Party.

Article 11.

The obligations imposed on the High Contracting Parties by the present Convention—

(a) in respect of their vessels, do not extend to vessels of any High Contracting Party registered in any of his territories to which the Convention does not apply;

(b) in respect of their nationals, do not extend to the nationals of any High Contracting Party habitually resident in any of his territories to which the Convention does not apply;

(c) in respect of their territory or territorial waters, do not extend to any territory (or the territorial waters adjacent thereto) of any High Contracting Party to which the Convention does not apply.

vt/CSS

P.M. 107/5.

PRETORIA.

24th October, 1929

The Chairman,
Board of Trade & Industries,
PRETORIA.

WHALING.

With reference to your Minute No. B.T.I. 112 of 28th September 1929, on the above subject, I have to inform you that Major Pienaar has been requested, as far as possible, to remain in close touch with the meetings of the Expert Committee of the League of Nations Economic Committee in respect of whaling.

Copies of the Minutes of meetings of the Expert Committee will of course be sent you, as hitherto.

W. J. H. Farrell

ACTING SECRETARY FOR EXTERNAL AFFAIRS.

File

Major Pienaar.

For your information. I enclose copies of Minutes of meetings held in July last by the Interdepartmental Committee on the Antarctic, from which it will appear that it is unlikely that meetings of the Experts Committee will take place before January, 1930.

W. J. H. Farrell

ACTING SECRETARY FOR EXTERNAL AFFAIRS.

My Secretary

I have withdrawn the minute in question on your instruction, but I still think it cannot be expected that Mr. Pinaar will attend all Committee meetings of the numerous Committees that are holding sessions in Geneva. There are Committees on every possible subject, for minorities, Economic and Financial, legal, Political, limitation of armaments, Mandates, Health, Transit, Information and Social Questions. also numerous expert Committees & Commissions. as a consequence of the Economic Conference, ^{alone} meetings of Committees and subcommittees, arising out of the decisions of the Conference, were held on:

- (1) Commercial policy;
- (2) veterinary regulations;
- (3) Reports on Customs tariffs;
- (4) tariff nomenclature;
- (5) four industrial subcommittees;
- (6) Sub-Committee on vet. regulations;
- (7) sub-Committee on plant disease.

the Consultative Economic Committee and sub-committees.

Mr. Pinaar
to keep in touch
with Board of Trade
as desired
if does not
necessarily mean
attend in
person
may represent
how to do it

Is it therefore not somewhat unreasonable of the Board of Trade to expect Mr. Pinaar to 'remain in close touch with the meetings' on the subject of whaling, where there will hardly be time enough at his disposal to attend ^{meetings of} far more important Commissions, Conferences &c. Moreover, the copies of minutes of meetings of the expert Committee on whaling give all possible information, and are regularly furnished to the Board of Trade.

10-10-29



PM 107/5
Telephone: REGENT 8700.
Telegraphic Address: "OPPOSITELY, WESTRAND, LONDON."

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO:-
THE TRADE COMMISSIONER,
and the following Number quoted

OFFICE OF THE HIGH COMMISSIONER,
TRADE & COMMERCE DIVISION,
SOUTH AFRICA HOUSE,
TRAFALGAR SQUARE,
LONDON,
W.C. 2.

19/88

The Secretary for External Affairs,
CAPE TOWN.

10th September, 1929.

Control of Whaling.

Further to my Minute of the 30th August, No. 19/88, and in compliance with the request contained in yours of the 25th July, 1929, PM. 107/5, I enclose a copy of Questionnaire No.7 to which reference is made in the penultimate paragraph of Page (1) of Annexure "A" referred to in your letter under reply.

Considerable difficulty was experienced in obtaining this copy in London and it was eventually obtained at the Secretariat of the League of Nations.

Six of the Questionnaires to which you refer do not appear to have any connection with the question of the "Control of Whaling" and the enclosed, No.7, is, I think, the only one that you will require.

A. T. Brennan

TRADE COMMISSIONER.

How about you No

His servant

ACTING SECRETARY FOR EXTERNAL AFFAIRS.

*File
10th
10th
10th*

JU/BVD.

P.M. 107/5.

PRETORIA,

3rd October, 1929.

The Chairman,
Board of Trade and Industries,
PRETORIA.

Control of Whaling etc.

With reference to my Minute of the 20th September, 1929, on the above subject, I enclose herewith, a copy of Questionnaire No. 7 to which reference is made in the penultimate paragraph of Page (1) of Annexure "A" to which reference is made in your Minute No. B.T.I. 114 of the 17th July, 1929.

The High Commissioner's Office, London, advises that considerable difficulty has been experienced in obtaining this copy in London and it has eventually been obtained at the Secretariat of the League of Nations.

Six of the questionnaires to which you refer do not appear to have any connection with the question of the "Control of Whaling" and the High Commissioner's Office thinks that No. 7 is the only one that you will require.

His servant

ACTING SECRETARY FOR EXTERNAL AFFAIRS.

*File
Hyslop*

W. van Lyen

Please withdraw your letter
P.M. 107/5 of 4th Oct to
Board of Trade & write another
saying that Mayor Renaar
will be requested to keep
in close touch with
the meeting etc

Ⓟ

1079/429

Pm 107/5
Adresser a.u.b. alle briewe aan die
Voorsitter.

communications to be addressed to
the Chairman.

In antwoord verwyg a.u.b. na
In reply please quote

No B.T.I. 114

AFRICA.

- EN NYWERHEID,
AND INDUSTRIES,

MARKSTRAAT,
MARKET STREET.

September, 1929.

ious correspondence

to be informed

Accredited Represen-

uch with the meetings

Nations Economic

us thoroughly

INDUSTRIES.

Wylens raamp, waerin ook
Korrespondensie is met
Suidwes, ons het in 1923/4
met al die ander Afrikaanse
maandhede gekorrespondeer
ook met Suidwes. Dit
kan goed wees om May Renaar
hierdie korrespondensie te
lees. Ek is more
niet het nie.

W. van Lyen
die lys is aangelyk
- man soos u in my
nota hieronder sal al
sein op 1 Okt. aan
May voorgel.
4/10

W. van Lyen (A.S.)
30/9

TELEGRAMMES
TELEGRAPHY ADDRESS

TELEPHONE
TELEPHONE

Mr. Uys
Daar is
ook uit C.N.A.
oor hierdi onderwerp,
asb.

L.P.P.
30.9.29

Waarheen is
daar is me in
leis onblijfsak
wist die me maar is
aangehegte leie sal
in wel sterkte
oor swa. om
Dit is 1/10



Am 107/5
Adressee a.u.b. alle briewe aan die
Voorsitter.

All communications to be addressed to
the Chairman.

In antwoord verwys a.u.b. na
In reply please quote

No B.T.I. 114

UNION OF SOUTH AFRICA.

RAAD VAN HANDEL EN NYWERHEID,
BOARD OF TRADE AND INDUSTRIES.

310 MARKSTRAAT,
MARKET STREET.

28th September, 1929.

NAL AFFAIRS,
ister,

ious correspondence
to be informed
Accredited Represen-
uch with the meetings
Nations Economic
us thoroughly

INDUSTRIES.

Daar is nog een lees oor
Wetloos vangs, waarin ook
Korrespondensie is met
Suidwes. Ons het in 1923/4
met al die ander Afrikaanse
moonthede gekorrespondent
ook met Suidwes. Dit
kan goed wees omr May Renaat
hondie korrespondensie be-
lent lees. It is more
riet het nie.

die lees is aangeheg
- man soos u - sal
neta hieroor
sein op 1 Okt. aan
maj. Renaat
voorgele.
4/10

Mr. Uys (A)
30/9

TELEGRAMMES } "BOTRIN."
TELEGRAPHY ADDRESS }

TELEPHONE }
TELEPHONE } NO. 1268, PRETORIA.



Am 10/5
Adressee a.u.b. alle briewe aan die
Voorsitter.

All communications to be addressed to
the Chairman.

In antwoord verwyg a.u.b. na
In reply please quote

No B.T.I. 114

UNIE VAN SUID-AFRIKA.—UNION OF SOUTH AFRICA.

RAAD VAN HANDEL EN NYWERHEID,
BOARD OF TRADE AND INDUSTRIES.

310 | MARKSTRAAT,
| MARKET STREET.

PRETORIA, 28th September, 1929.

THE SECRETARY FOR EXTERNAL AFFAIRS,
Office of the Prime Minister,
UNION BUILDINGS.

W H A L I N G.

With reference to previous correspondence
in this connection, we shall be pleased to be informed
whether we may presume that the Union's Accredited Represen-
tative at Geneva will remain in close touch with the meetings
of the Expert Committee of the League of Nations Economic
Committee in respect of whaling and keep us thoroughly
au fait with proceedings thereat.

for C H A I R M A N,

BOARD OF TRADE AND INDUSTRIES.

Mr. Fyfe (R.S.)
30/9

JJ/ByD.

P.M. 107/5.

PRETORIA,

20th September, 1929.

The Chairman,
Board of Trade and Industries,
PRETORIA.

Control of Whaling, etc.

With reference to your Minute No. B.T.I. 114 of the 17th July, 1929, on the above subject, enquiring to be furnished with copies of questionnaires mentioned on page I of Annexure A, I have to inform you that the High Commissioner's Office, London, to whom the matter was referred, is still endeavouring to obtain copies of the questionnaires desired, and the result of their investigations will be communicated to you in due course.

I understand that a copy of the Minutes of Meetings held recently by the Interdepartmental Committee on the Antarctic has been sent to you direct by the Trade Commissioner.

W. J. H. FARRELL

ACTING SECRETARY FOR EXTERNAL AFFAIRS.

Pend.
25/10/29
WJH

(1) as soon as agreement had been reached in the Antarctic Committee as to the terms of the draft Whaling Convention an official despatch should be sent to Dominion Governments which would ask for their views both on the draft Convention and the question of the selection of an expert belonging to the Dominions.

(2) in the meantime the Dominion representatives on the Antarctic Committee should write privately to their Governments suggesting that, in view of the difficulties mentioned above and of the advantages to be gained by having an administrative and legal expert as well as a scientific expert, it might be considered desirable, if there is no outstanding expert whom a Dominion Government would wish to put forward, for the suggestion to be made that Mr. Borley, the Fisheries Adviser to the Colonial Office, who has participated in these discussions from the start and who has an expert knowledge of the subject, should be selected as the Dominions expert, in which event a suitable nominee with special knowledge of the administrative and legal side might be selected as the United Kingdom expert.

(3) The position should be reviewed again in the light of the replies from Dominion Governments.

Dominions Office,

31st July, 1929.

Sir H. Batterbee, after thanking Sir Sydney Chapman for his explanation, said that the question of securing suitable representation for the Dominions presented difficulties. It did not seem politic that advantage should be taken of the offer of the Economic Committee to allot 2 places to experts from the Dominions, since this would increase the British element on the Experts Committee to 3 out of a maximum membership of 9 and might be viewed askance by other countries. He suggested therefore that it would be better to proceed on the basis that there should be one expert from the United Kingdom and one belonging to the Dominions and this was generally agreed to.

The next question was who would be likely to be available to represent the Dominions. So far as the Committee was aware there was no outstanding whaling expert in any of the Dominions who could be suggested for this purpose and there was the further difficulty that an expert from one Dominion might not be suitable to represent Dominions generally. After further discussion, in which it was pointed out that two types of expert were really required and that there was much to be said for allying to a scientific expert an expert with a knowledge of administration and international law, it was generally agreed that

the experts selected to be resident in the Dominions. It would suffice if they had knowledge of the problem from the Dominion angle and were able to speak from the Dominion point of view. Sir Sydney Chapman proceeded to explain that the names of the United Kingdom and Dominion experts selected would be communicated by him to the Economic Committee, not as the nominees of their particular Governments but merely as experts who would be suitable for appointment by the Committee. While, therefore, the experts would in practice be nominated by their respective Governments, this would not be so in theory, and the Economic Committee would summon the Experts Committee by communicating direct with the experts whose names were put forward. It was unlikely that a meeting of the Experts Committee could take place before January, 1930, owing to the Geneva programme being already full up to the end of 1929, and it seemed probable that the Experts Committee would not even then be able to complete their task in one meeting. The most likely course of events was that they would meet at Geneva in January, make a preliminary investigation of the problem, adjourn for the purpose of working out concrete proposals and meet again, say, a month later to consider these proposals.

Sir

A meeting of Dominion representatives on the Interdepartmental Committee on the Antarctic was held in the Conference Room at the Colonial Office at 3.0 p.m. on Friday, the 26th July, under the chairmanship of Sir H. Batterbee. The following were present:-

Sir Sydney Chapman

Mr. Macleod (representing the High Commissioner for Canada)

Major Casey (representing the Prime Minister of the Commonwealth of Australia)

Mr. Crabb (representing the High Commissioner for New Zealand)

Mr. Dimond (representing the High Commissioner for the Union of South Africa)

Mr. Fresson

and

Mr. Clutterbuck.

Sir H. Batterbee explained that the meeting had been called to consider the question of Dominion representation on the Experts Committee which the Economic Committee of the League of Nations had decided to set up to consider the question of the regulation of whaling. The Chairman recalled that the membership proposed for the Experts Committee was a maximum of nine or a minimum of seven, and that the Economic Committee had allotted one or two places for experts belonging to the Dominions. Sir Sydney Chapman said that words "belonging to the Dominions" need not be interpreted too literally; for instance it would not be necessary for

the

might have an opportunity of expressing their considered views on the draft Convention. The CHAIRMAN said that it might be necessary to summon a further meeting when the views of the Home Office were received. He hoped that consideration by the Home Office would not take long as he was very anxious for the terms of the draft Convention to be finally settled before August.

DOMINION OFFICE.

July, 1939.

operating in the Shetlands and the Hebrides but their activities were all conducted from shore stations, and, although there had been rumours that floating factories might be used, they had not, so far, been introduced. From the point of view of the Scottish Office he saw no objection to the general lines of the draft Convention, but it would be necessary to consider at some later date how any legislation which might be passed to give effect to the provisions of the Convention, could best be fitted in to the legislation at present in force in Scotland. In this connection he proposed to supplement his observations by a note on Article 5 of the draft.

MR. DOWSON further observed that the second paragraph of Article 7 was open to objection from the Home Office point of view in that it created a series of preferential jurisdictions. He did not know of any similar provision elsewhere. In Home Office experience cases of concurrent jurisdiction were dealt with as was convenient in the particular circumstances of each case and no difficulties arose. He enquired how much importance was attached to this paragraph. It was explained that this paragraph had been inserted merely in order to avoid confusion.

After some further discussion it was agreed that the next step would be for Mr. Dowson to report to the Home Office in the light of the considerations advanced at the meeting, in order that the Home Office might

proceedings. It was pointed out, however, that proposals of this nature had been explored in the past, but had always been turned down, because they came up against fundamental objections of the Board of Trade. SIR SYDNEY CHAPMAN explained, in this connection, that this country had always stood for the principle of "no flag discrimination" and the Board of Trade could never agree to any departure from this principle.

SIR CLAUD SCHUSTER said that it seemed to him that the question whether it was worth while for this country to take the initiative in proposing measures for the regulation of whaling was a matter of policy. Once that policy had been laid down it was the business of Departments to contribute as best they could to carrying it out and, although sympathising with the point of view of the Home Office, he could not help feeling that the only possible means of carrying out the policy would be to create a new offence punishable here, even though such offence was committed on the high seas on foreign ships. It was pointed out in further discussion that a similar extension of extra territorial jurisdiction had been agreed to in 1911, for, in the Fur Seal Convention of that year, to which this country was a party, the High Contracting Parties had agreed to prevent their subjects or citizens from engaging in pelagic sealing within specified areas. It could not be said, therefore, that the provisions of the draft Whaling Convention now under discussion were wholly unprecedented.

MR. ROSE said that the problem did not arise in Scotland. A number of whaling companies were
operating

of the nature of Articles 6 and 7 of the draft Whaling Convention we would be open to a charge of inconsistency and might be placed in an embarrassing position. The Home Office would, Mr. Dawson thought, be prepared to acquiesce in Article 7(1) (a) and (b) but Article 7 (1) (c), which made it incumbent on the High Contracting Parties to take measures "against their own nationals in respect of all actions wheresoever committed and on whatsoever vessel such nationals are serving", brought them up against this question of principle. Mr. Dawson mentioned section 1 of the Trawling in Prohibited Areas Prevention Act, 1909, which prohibited the landing or selling in the United Kingdom of fish caught by certain methods and suggested this as a possible alternative for securing enforcement of the provisions against persons on foreign ships. It was generally agreed however that in the case of whaling such prohibitions would be of little value and would provide no solution of the special problem created by the floating factory.

MR. WREESTON suggested that it might be worth while to explore the alternative of denying pelagic whalery facilities in ports, etc. He pointed out that, although floating factories were self-contained, it was found in practice that they had to put into port periodically to replenish their supplies of water and fuel, etc., and if such supplies were denied to them or granted to them only on conditions it might be possible to exercise some measure of control over their

proceedings

representation of the Dominions should be further examined at a special meeting to be summoned later, between the Chairman and the Dominion representatives attending the Antarctic Committee.

The terms of the draft Convention were then considered. MR. DOWSON explained that the Home Office were principally interested in Articles 6 and 7, which raised the question of jurisdiction. He pointed out that Article 7 imposed an absolute obligation to legislate. He suggested the better course would be that the Convention should recognize certain rules as the most effective means of securing the object in view, and a provision that ratification by a State should imply that it was in a position to carry out such rules. It was agreed that the draft should be further considered on this point.

MR. DOWSON further stated that as a matter of principle the Home Office always felt great hesitation as regards the creation of new offences triable in the United Kingdom when committed outside the ordinary jurisdiction of the Courts, i. e., on foreign land or foreign ships on the high seas. Only recently at Geneva during the discussions leading up to the Currency Convention, we had taken the line that it was against our principles to create a new jurisdiction or to extend extra-territorial jurisdiction and, in face of pressure, had successfully resisted such proposals. If, now, we were to bring forward, of our own initiative, proposals
of

to establish an Experts Committee to be submitted to the Council of the League of Nations for confirmation. The Council might have power to interfere with the procedure of the Economic Committee but in practice they never did so and it was therefore to be expected that the Experts Committee would now be established without further formalities. On the other hand the whole of September would be occupied by the meeting of the Assembly of the League and an important Conference was due to take place later in the autumn. It was not likely therefore that a suitable date could be arranged for the meeting of the Experts Committee until early in 1930. The CHAIRMAN said that this was very satisfactory as there would thus be ample time for consultation with the Dominions. It would of course, be necessary to consider very carefully whether advantage should be taken of the offer of the Economic Committee of two places on the proposed Experts Committee for experts from the Dominions. If the offer were accepted the British element would be three out of a total of eight or nine and this might be regarded by other nations as disproportionate, with the result that there might possibly be some opposition to British views.

It was pointed out in the subsequent discussion that the experts would not, strictly speaking, be representatives of their various countries and that their proper description would be "experts from" such and such a country. It was not clear whether any of the Dominions would in fact wish to appoint an expert to engage in the discussions and it was decided that the question of representation

Geneva and, secondly, in order that Sir Claud Schuster, the Home Office and the Scottish Office might have an opportunity of expressing their views on the proposed draft Convention. At the Chairman's invitation SIR SYDNEY CHAPMAN explained that at their recent Session at Geneva the Economic Committee had accepted the recommendation of their Sub-Committee that a Committee of Experts should be established to consider (a) whether the problem of the regulation of whaling could be solved by an international Convention and (b) if so, by what sort of Convention. The constitution of the proposed Experts Committee would be as follows:-

- One person of Norwegian nationality;
- one from the United Kingdom;
- one or two belonging to the Dominions;
- one Frenchman;
- one German;
- one Japanese;
- one from the United States and
- one from the Argentine or some other South American State.

In arriving at this decision the Economic Committee had added that it might be found, on enquiry, that the attendance of an expert from one or more of these countries, e.g. the United States of America, might not be regarded as necessary or convenient. This gave a maximum of nine or a minimum of seven members for the proposed Experts Committee.

SIR SYDNEY CHAPMAN went on to explain that it was not necessary for the decision of the Economic Committee to

A further meeting of the Inter-departmental Committee on the Antarctic was held in the Conference Room at the Colonial Office at 3.30 p.m. on the 15th July, to consider the question of the regulation of whaling. Sir H. Batterbee was in the Chair and the following were also present.

Sir Claud Schuster

Sir Sydney Chapman

Mr. Macleod (representing the High Commissioner for Canada)

Mr. Crabb (representing the High Commissioner for New Zealand).

Admiral Douglas

Mr. Malkin

Mr. Rose

Mr. Dowson

Mr. Brass

Mr. Moss Blundell

Mr. Guttery

Mr. Freeston

— Mr. Borley

Mr. Gurney

Mr. Mr. Dixon

and Mr. Clutterbuck.

Major Casey (representing the Prime Minister of the Commonwealth of Australia) and Mr. Dimond (representing the High Commissioner for the Union of South Africa) were unavoidably prevented from being present.

The CHAIRMAN explained that the meeting had been called, first, in order that they might hear from Sir Sydney Chapman what had occurred at the recent meeting of the Economic Committee of the League of Nations at

Geneva



PM 107/5

Telephone: REGENT 680.

Telegraphic Address: "OPPOSITE, WESTRAN, LONDON."

OFFICE OF THE HIGH COMMISSIONER.

TRADE & COMMERCE DIVISION,

SOUTH AFRICA HOUSE,

TRAFALGAR SQUARE,

LONDON,

W.C. 2.

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO:-

THE TRADE COMMISSIONER,

and the following Number quoted

19/88

(Your reference PM.107/5 dated 25/7/29).

The Secretary for External Affairs,

29th August, 1929.

CAPE TOWN.

CONTROL OF WHALING. 30 AUG 1929

I have been in communication with the Secretary to the Interdepartmental Committee on the Antarctic at the Dominions Office, in regard to your enquiry to be furnished with copies of the questionnaires mentioned on page 1 of Annexure A, to which attention is drawn in your notes. The Secretary has undertaken to endeavour to obtain copies of the questionnaires while, at the same time, pointing out that this matter was being dealt with some five years ago and that much water has flown under the Mill since then. As soon as I receive a further reply from the Secretary, I shall communicate with you.

I enclose, for favour of your attention, copies of Minutes of Meetings held recently by the Interdepartmental Committee on the Antarctic. In forwarding the copies of these minutes, permit me to advise you that the Chairman of the Board of Trade has recently requested me to supply him with one copy of any literature appertaining to Whaling which may be received in this Office in order that Dr. Von Bonde the Director of Fisheries Survey, may be kept au courant with what has transpired. As I have but two copies of the enclosures in my possession, one of which I am forwarding to you, may I presume on your good offices to see that the request of the Chairman of the Board of Trade, in so far as appertains to his letter, may be complied with.

A. Newman

TRADE COMMISSIONER.

* Since the dictation of the foregoing additional copies of the enclosure have been obtained and forwarded direct to the Chairman, Board of Trade & Industries.

M. J. ... 19/4

a.s.B.

In 107/5 sent



UNION OF SOUTH AFRICA.

Downing Street,

Dominions No: 333

26 July, 1929.

Sir,

With reference to my despatch

Dominions No. 281 of the 3rd July, I have the honour
to transmit, for the information of His Majesty's
Government in the Union of South Africa, the

13.6.29.

accompanying copy of a despatch from His Majesty's
Representative at Oslo regarding the composition of the
Council of the new Association of Whaling Companies.

I have the honour to be,

Sir,

Passed to Bd. of Trade & Industries

for CONSIDERATION
INFORMATION
DISPOSAL

Your most obedient,

Date 29.8.29

Initials Hvt

humble servant,

*Arch. Hvt
29/8/29
gls*

7

Passfield

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA.

*Mr Winter
To Bd. of Trade*

28/8/29

Copy.

(W 5856/51/50)

No. 213.

British Legation,

OSLO.

13th June, 1929.

Sir,

With reference to my despatch No. 181 of May 23 regarding the new Association of Whaling Companies, I have the honour to report that, at a meeting on June 10, the following gentlemen were elected as members and substitute members respectively of the Council provided for in § 6 of the statutes of the Association.

MEMBERS:	Mr. Johan Rasmussen,	Sandefjord.
	Mr. Lars Christensen,	Sandefjord.
	Mr. Finn Bugge,	Tonsberg.

SUBSTITUTE MEMBERS:

Mr. A. Jahre,	Sandefjord.
Mr. Hans Borge,	Tonsberg.
Mr. von der Lippe,	Tonsberg.

2. It was resolved at the meeting to form a common sales organisation and the "sales group" was constituted.

3. I am sending a copy of this despatch to the Department of Overseas Trade.

I have, etc.,

(Signed) Alvary Gascoigne.

The Right Honourable
Arthur Henderson, M.P.



Mm 102/5
Mm 107/5

UNION OF SOUTH AFRICA.

Dominions No. 322

Secret.

Downing Street,

18 July, 1929.

Sir,

With reference to my Confidential despatch
Dominions No 321 of to-day's date, regarding Norwegian
legislation relating to whaling and sealing, I have the
honour to invite reference, as regards the Bill for the
protection of fur seals, to my predecessor's Secret
despatch Dominions No. 434 of the 29th August, 1926.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Passfield

Passed to *Mines & Industries*
CONSPIRATION
for INFORMATION
DISPOSAL

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Date. *7/8/29*..... Initials. *[Signature]*

Mr. [Signature]
(Also hereunder)
98747

File [Signature]
Asst. Secy
also hereunder, [Signature]
[Signature]
6/8

Copy.

(W 8066/51/50)

No. 213.

BRITISH LEGATION,

OSLO.

13th June, 1929.

Sir,

I have the honour to report that the Bill dealing with the protection of seals, of which translation was transmitted to you in my despatch No. 54 of February 13th last became law on June 7th without alteration.

I have, etc.,

(For H.B.M. Minister)

(Signed) Alvary Gascoigne.

The Right Honourable

Arthur Henderson, M.P.

TRANSLATION.

Draft of a Bill regarding the capture of
Whalebone Whales.

1.

The provisions of this law apply to the capture of whalebone whales -bottle-nosed whales* excepted, - carried on by Norwegian subjects or Norwegian companies.

A Norwegian shipowner or company which hires out - inside or outside the country - a boiling ship for whaling, is responsible for the business not being carried out contrary to this law.

2.

Everyone who intends to carry on such whale-catching or to hire out a boiling ship for such catching shall report this to the competent department of the Government. The report shall contain the information required by the department.

3.

The capture of cow whales accompanied by their young is forbidden as well as the capture of the young.

The King can forbid the capture of such kinds of whales as he decides.

4.

The King can forbid the capture of whales in tropical or sub-tropical waters within limits which he may decide.

5.

The King may make further regulations for the capture mentioned in paragraph 1, together with regulations for utilising the whale and controlling the capture.

6.

The King may levy a tax up to 20 øre a barrel (170 kilos) on all the oil produced by the capture of whales to which this law applies. This tax shall, in accordance with regulations to be determined by the competent department, be expended on scientific investigations of interest for the Norwegian whaling industry and to cover the expenses imposed on the State in enforcing this law.

7.

A breach of this law or of the regulations issued by virtue of the law shall be punished by fine or imprisonment up to 3 months. The same punishment applies to those who co-operate.

Whales illegally captured or their value may be confiscated in favour of the Treasury. Confiscation may also be applied to those on whose behalf the guilty have acted.

* "Vagehval" is the Norwegian word used in the Law, which the dictionary gives as "bottle-nosed whale" or "baleoba rostrata".

TRANSLATION.

Draft of a Bill for preserving Fur Seals.

1.

Without the permission of the King none may catch, hunt, wound or kill fur seals on Norwegian territory, or help anyone doing so.

2.

For permission to do so a fee can be demanded which shall be fixed by the King, who shall also determine the other conditions. The fee goes to the Treasury.

3.

Infringement of this law shall be punished with fine or imprisonment up to 6 months.

A ship's master or a leader of a hunting expedition shall be punished in the same manner if any of the crew or members of the expedition infringe the regulations of this law, unless he can prove that he did everything in his power to prevent such infringement.

The illegal catch or its value shall be confiscated to the advantage of the Treasury. The vessel and the hunting gear or the value thereof shall also, either in whole or in part, be confiscated if the shipowner or the master or the leader of the hunting expedition is guilty of punishment according to this law.

4.

This law enters into force at once.

At the same time the provisional regulations of August 10th 1928 are withdrawn.

5. If a full translation of the exposé is required, I will not fail to forward one to you on receiving your instructions. It contains some points of interest besides that mentioned.

6. I have sent a copy of this despatch to the Department of Overseas Trade.

I have, etc.,

(Sd.) F.O. LINDLEY.

Copy

No. 51.

(W 1492/51/50)

British Legation,

O S L O.

13th February, 1929.

Sir,

I have the honour to transmit herewith translations of the drafts of two Bills shortly to be presented to the Storting by the Government. The first of these deals with the protection of fur seals and replaces the provisional Order of the 10th August last, reported in my despatch No. 373 of the 11th August last. It will be noted that that Order made no mention of Norwegian territory and, now that the Norwegian title to Bouvet has been recognised, it was felt that the position should be regularised. It will be noticed that the Bill does not deal with pelagic sealing but only with sealing on Norwegian territory.

2. The second Bill deals with the taking of whale-bone whales. It will be observed that this Bill is in the main an empowering measure, and much of its importance will depend on the regulations issued by the Department concerned to regulate whaling. Nevertheless the Bill does lay upon whalers certain definite duties, such as that of reporting their activities to the competent department, refraining from catching cow whales and their young, and paying a duty up to 20 øre a barrel on the oil produced from their catch. The printed Bill is accompanied by a long exposé drawn up by the Department explaining their policy and the reasons why, after consulting the whaling industry, the original draft (see Mr. Gascoigne's despatch No. 506 of November 23rd last) was modified into the present Bill.

3. The most important point brought out in this exposé is the statement that the Government consider it undesirable to attempt the protection of whales by means of agreements, between the countries most interested, to forbid pelagic whaling in certain areas. The reason given for this point of view is that such a restriction of the economic exploitation of the open sea is a question of the greatest importance for a country which depends to such a degree as does Norway on whaling, sealing and fishing. In these circumstances the Government considers that the question must first be examined in all its implications. Further, agreements between a limited number of countries are in themselves unsatisfactory, since they do not provide an assurance that their object will be attained.

4. There is much to be said for this point of view, but it would seem to make the prospect of the conversations with the Norwegian Government on whaling question, foreshadowed in Mr. Vogt's memorandum enclosed in your despatch No. 497 (W 1083/532/50) of the 15th November last, of somewhat academical interest.

The Right Honourable
Sir Austen Chamberlain, K.G., M.P.,
His Majesty's Principal Secretary of
State for Foreign Affairs,
etc., etc., etc.

§ 6.

The King may issue regulations regarding telegraphic and telephonic communication between the whalers and the floating factories or stations on land.

§ 7.

Gunners and crews of whaling vessels must not be engaged on terms which make the remuneration for their work as whalers dependent solely upon the number of whales shot.

§ 8.

The King may decide that a duty of 20 ore per barrel (170 kilograms) of oil produced shall be payable on the whole catch of whales coming under this law. If levied, such duty is to be used, in accordance with the King's more precise regulations, for scientific researches of interest to Norwegian whaling, and for meeting the cost of inspection to ensure the observation of this law. The duty is payable to the Government Department concerned, in accordance with more precise instructions issued by the Department.

In special cases the King may remit the duty.

§ 9.

The King may prepare further regulations for inspection to ensure the observation of this law, and in so doing require the firms and companies mentioned in § 1, and the owners of floating factories mentioned in the same paragraph, to permit a public inspector to accompany the floating factories in question.

§ 10.

The penalty for the infringement of this law, or of the regulations made in accordance therewith, will take the form of fines or imprisonment for a period not exceeding three months. This applies also to abetting.

An illegally made catch or its value may be confiscated for the benefit of the Treasury. Confiscation may also be enforced upon the person on behalf of whom the guilty party acted.

§ 11.

This law comes into operation at once.

G. Eisland,
President.

Nils Hjelmtveit,
Secretary.

(Enclosure to Sir F. Lindley's Despatch No. 210 of 24.6.29)

TRANSLATION.

O. Resolution No. 100

(Of. O. Report XV.)

On 14th June in the year 1929 a session of the Odelsting was held at which the following resolution was adopted concerning a law with regard to the catching of Baleen Whales.

§ 1.

The provisions in this law relate to the catching of Baleen Whales - with the exception of Bottlenose Whales - as carried on by a Norwegian subject or a Norwegian company.

A Norwegian shipowner by whom a floating factory for whaling is hired is responsible for seeing that whaling is not carried on in contravention of this law.

§ 2.

Anyone desirous of engaging in whaling of this nature, or of hiring a floating factory for such whaling, must give notice thereof to the Government Department concerned. The notice must contain the information stipulated by the department.

§ 3.

It is prohibited to catch

- a. Right Whales (smooth or straight-backed whales (Balaenidae));
- b. Cows accompanied by calves.
- c. Calves accompanying a cow.

§ 4.

The King may prohibit whaling in tropical and sub-tropical waters within certain prescribed limits.

§ 5.

The King may issue more precise regulations with regard to the whaling mentioned in § 1 and with regard to methods of preparation and control. When these regulations are drawn up they shall contain provisions to the effect that of every whale carcass intended for the preparation of oil, the minimum boiled shall include all the blubber, the head and tongue, and the tail part as far as the outer orifice of the rectum (the anus.)

The person responsible for the operations (the Manager) must endeavour to make the most effective use of all the whale carcasses brought in.

Copy.

(W 6279/51/50)

BRITISH LEGATION,

OSLO.

June 24th, 1929.

No. 240.

Sir,

With reference to my despatch No. 227 of
the 19th instant, I have the honour to transmit
to you herewith copy, in translation, of the Law
regulating the capture of baleen whales.

I have, etc.,

(Signed) F.O. Lindley.

The Right Honourable

Arthur Henderson, M.P.,

His Majesty's Principal Secretary

of State for Foreign Affairs,

London.

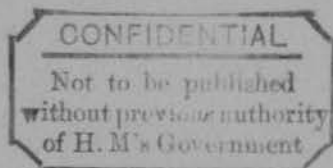
BRITISH LEGATION,

OSLO.

Copy.

No. 227.

(W 6031/51/50).



June 19th, 1929.

Sir,

In his despatch No. 506 of the 23rd November last, Mr. Gascoigne enclosed the text of a draft bill regulating the capture of baleen whales.

2. This bill came up for examination last week by the Foreign Committee of the Storting and it was agreed that pelagic whaling requires severe regulation and that this question is of such great importance to Norwegian whaling that Norway should enforce regulations even if other countries were not as yet inclined to do so.

3. As regards the bill itself, the Committee proposed that the following wording should be substituted for the previous drafting of paragraph 3: "It is prohibited to catch: (a) right-whales (balaenidae) (b) cow whales accompanied by calves, (c) calves accompanying cows".

4. The Committee agreed with the terms of paragraphs 5 and 8 and considered that it would prove impossible to enforce different rules for pelagic and stationary factories so far as the tax mentioned in paragraph 8 is concerned, but suggested that the tax should be remissible in certain cases.

5. The bill, as amended by the Foreign Committee, was laid before the Lagting yesterday and passed unanimously. It will therefore become law after receiving the Royal sanction.

6. The text of the law may contain some further, slight modifications in wording and I shall not fail to forward it to you in translation as soon as it is available.

I have, etc.,

(For H.M. Minister)

(signed) Alvarez Gascoigne.

The Right Honourable
Arthur Henderson, M.P.,
His Majesty's Principal Secretary,
of State for Foreign Affairs,
London.



~~Am 10/5~~
Am 10/5

UNION OF SOUTH AFRICA.

Dominions No. 321

Confidential.

Downing Street,

18 July, 1929.

Sir,

With reference to my predecessor's Confidential despatch Dominions No. 83 of the 17th February, 1928, I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copy of a despatch from His Majesty's Representative at Oslo regarding the passage of a Norwegian Bill for regulating the capture of baleen whales; together with a copy of a further despatch from His Majesty's Minister giving the text of the Bill as finally passed.

19th June

24th June

13th Feb.

13th June

2. I enclose also a copy of a despatch from His Majesty's Minister giving the text of bills for the protection of fur seals and for regulating the capture of whale-bone whales. It will be seen from a subsequent despatch from His Majesty's Minister, dated the 13th June, of which a copy is also enclosed, that the former Bill was passed without alteration and became law on the 7th June.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Passed to Mines & Industries
for CONSIDERATION
INFORMATION
DISPOSAL

Date... 7/8/29 Initials... [Signature]

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Barfield

[Handwritten signature]

[Handwritten signature]

JU/CSS

P.N. 107/5.

UNION OF SOUTH AFRICA—UNIE VAN SUID-AFRIKA

DEPARTMENT OF TRADE AND INDUSTRY
SUID-AFRIKAANSE WERKSTAD EN VERHANDEL

BAFFERT STREET
CAPE TOWN.

CONFIDENTIAL

25th. July, 1929.

The Secretary,
Office of the High Commissioner
for the Union of South Africa,
Trafalgar Square,
LONDON W. C. 2.

CONTROL OF WHALING.

With reference to your Minute No. 19/88

of the 6th. June 1929, transmitting certain documents on the above subject, I beg to refer to Annexure "A" thereto, in the penultimate paragraph on page (1) of which mention is made of "seven questionnaires dealing with a number of subjects.....". I shall be pleased to be furnished with copies of these questionnaires.

Insig...

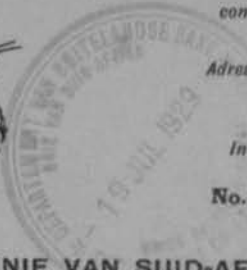
SECRETARY FOR EXTERNAL AFFAIRS.

Recd 25/9/29

K

TELEGRAPHIC ADDRESS } "BOTRIN,"
TELEGRAMADRES

TELEPHONE }
TELEFOON } No. 1268, PRETORIA.



Pm 107/5
communications to be addressed to
the Chairman.

Adresser a.u.b. alle briewe aan die
Vooritter.

In reply please quote
In antwoord verwys a.u.b. na

No. B.T.I. 114

UNION OF SOUTH AFRICA.—UNIE VAN SUID-AFRIKA.

BOARD OF TRADE AND INDUSTRIES,
RAAD VAN HANDEL EN NYWERHEID.

MARKET STREET,
MARKSTRAAT.

PRETORIA, 17th July, 1929.

THE SECRETARY FOR EXTERNAL AFFAIRS,
Office of the Prime Minister,
Parliament Street,
CAPE TOWN.

CONTROL OF WHALING ETC.

With reference to your P.M. 107/5
of the 27th ultimo, we beg to refer to Annexure "A" thereto,
in the penultimate paragraph on page (1) of which mention is
made of "seven questionnaires dealing with a number of
subjects.....", and shall be pleased to learn whether
copies of these questionnaires have been received by you.
If so, we shall be obliged if you could forward same to us—
failing receipt thereof, if you could secure copies.

for CHAIRMAN,

BOARD OF TRADE AND INDUSTRIES.

Post Sec 11/20/29
M. J. M. 23.7.29
M

The election of the members and substitute members of the Council is, however, to take place in writing, and in the event of a tie, the decision is to be made by drawing lots.

13.

A member of the Association may be excluded by a majority of four-fifths of the voters.

A proposal for exclusion must be submitted to the members with at least one month's notice, a summons to a meeting being at the same time issued.

If any member is prevented from attending, he may send in a written vote when such a decision is to take place.

14.

Changes in the Statutes of the Association or dissolution of the activities of the Association may only take place at an ordinary general meeting through a two-thirds majority.

- e) to decide other questions which may be submitted to it.

Matters which it is desired to submit for decision of the general meeting must be sent in to the office before the new year, and must be included in the report.

No resolution of great importance must be arrived at in any matter unless it has been dealt with in the summons. Any matter which has not been mentioned in the summons is to be postponed on demand.

9.

When the Council finds it necessary, or when a requirement to that effect is forthcoming from at least one-third of the concerns which have joined the Association, an extraordinary general meeting is to be held after the issue of a summons as determined in the case of the ordinary general meeting.

The provision contained in § 8, final sentence is given corresponding application.

10.

Apart from the general meeting, meetings - meetings of members - are to be held as often as the Council considers it desirable, or when at least one-fourth of the concerns which have joined the Association so require. At these meetings all matters may be dealt with which need not in accordance with the Statutes be dealt with at a general meeting.

The provision contained in § 8, final sentence is given corresponding application to meetings of members. If the members do not otherwise determine, the meetings of the Association are to be held alternately at Larvik, Sandefjord and Tonsberg.

11.

To deal with questions which only interest a part of the members of the Association there may be formed within the Association groups which themselves protect their own special interests. Any one who has demonstrable interests in such a group formation has the right to be a member thereof. Groups must not, however, make decisions which conflict with the resolutions adopted by the Association.

The groups are themselves to determine their own organisation.

12.

Both at general meetings and at meetings of members the members have one vote for each catcher participating in whaling, not including reserve boats.

If not otherwise determined in these statutes resolutions are to be made by simple majority of the votes of those present. In the event of a tie the chairman has a casting vote.

3.

At the ordinary general meeting there is to be elected for one year at a time a council consisting of 3 members and 3 substitutes. The Council is to elect its own chairman and vice-chairman, who will also conduct the common meetings.

Such persons as those mentioned under ~~§~~ 5 are eligible. Re-election may take place.

The Council is to meet as often as may be considered necessary to attend to the affairs of the Association. A protocol is to be kept of the business.

The Council is to prepare the matters which are to be brought up at the meetings of members and is also:

- a) to appoint the secretary and the staff required at any time and to determine their salaries.
- b) to elaborate instructions for the office and superintend its work. It is the duty of the office, among other things, to collect and work up statistics and to procure in other respects as much information as possible regarding catching and matters connected with catching.
- c) to see that the necessary books and accounts are kept and that an annual report and balance sheet are submitted to the general meeting at the right time. The accountancy year of the Association is to coincide with the calendar year.
- d) to manage the Association's funds for special purposes in accordance with resolutions adopted at common meetings and/or general meetings.

The general meeting is the highest authority in all matters of common interest.

The general meeting is to be held before the end of the month of March. The summons to attend the meeting is to be sent in a registered letter to the members, to the address given by them, and with at least 14 days' notice. Simultaneously with this summons the members are to be sent the annual reports and accounts.

The ordinary general meeting is

- a) to deal with the report and the accounts.
- b) to determine the amount of the subscription.
- c) to elect the members and substitute members of the Council.
- d) to elect an auditor.

COPY.

(7 5202/51/50)

No. 181.

BRITISH LEGATION,

OSLO.

23rd May, 1929.

Sir,

With reference to the second paragraph of my despatch No.20 of January 18th, I have the honour to report that the old Norwegian Whaling Association was wound up on May 11th and that a new Association, which is to be known as Hvalfangerforeningen, or "The Association of Whaling Companies" was established on the same day. I have the honour to enclose a translation of the Statutes of the Association.

I have, etc.,

(Signed) F.O.Lindley.

The Right Honourable

Sir Austen Chamberlain, K.G., M.P.

PM. 107/5
200



UNION OF SOUTH AFRICA.

Downing Street,

Dominions No: 281

3 July, 1929.

Sir,

I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copy of a despatch from His Majesty's Representative at Oslo, reporting that the Norwegian Whaling Association was wound up on the 11th May, and enclosing a translation of the Statutes of the Association of Whaling which was established on the same day.

23rd May

2. A copy of the despatch of the 18th January to which Sir Francis Lindley refers was enclosed in my predecessor's despatch Dominions No.166 of the 22nd April.

I have the honour to be,
Sir,
Your most obedient,
humble Servant,

Passed to Minis. & Industries
CONSIDERATION
for INFORMATION
DISPOSAL

Date 26/7/29 Initials Jlys

Passfield

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

File Jlys
23/7/29
See 207

PRETORIA,

27th June, 1929.

The Secretary for Mines and Industries,
PRETORIA.

Control of Whaling.

With reference to my evennumbered Minute of the 13th December, 1927, on the above subject, I transmit herewith for your information the following documents received from the High Commissioner for the Union, in London.

- (a) copy of a memorandum prepared by the Economic Adviser to H.M. Government in the United Kingdom on the subject of the activities of the League of Nations in the matter of Whaling;
- (b) copy of a note prepared by the Fisheries Adviser to the Colonial Office;
- (c) Minutes of a special meeting of the Inter-departmental Committee of the Antarctic held on the 21st May, 1929.

The Secretary, High Commissioner's Office, London, states that Mr. F.J. du Toit - the Assistant Trades Commissioner - was deputed to represent the High Commissioner in this matter and, previous to his departure on transfer to the Department of Agriculture, he acquainted Dr. van Bonde with the fullest available information on this subject.

Mrs. van der Merwe
SECRETARY FOR EXTERNAL AFFAIRS.



THE SECRETARY,
OFFICE OF THE HIGH COMMISSIONER FOR THE
UNION OF SOUTH AFRICA,
TRAFALGAR SQUARE, LONDON, W.C. 2.

P.M. 104/5

SUBJECT:- Control of Whaling.

REFERENCE NUMBERS. { Your No. dated
This Office No. 19/88 dated 6th June, 1929 , which
please quote when replying.

CONFIDENTIAL.

The Secretary for External Affairs,
Pretoria.

I am directed by the High Commissioner to

transmit:-

- [(a) copy of a memorandum prepared by the Economic Adviser to H.M. Government in the United Kingdom on the subject of the activities of the League of Nations in the matter of Whaling;
- (b) copy of a note prepared by the Fisheries Adviser to the Colonial Office;
- (c) Minutes of a special meeting of the Inter-departmental Committee of the Antarctic held on the 21st May, 1929.

Re Sec. Dept. of Agric., London states

Mr. F.J. du Toit - the Assistant Trades Commissioner - was deputed to represent the High Commissioner in this matter and, previous to his departure on transfer to the Department of Agriculture, he acquainted Dr. van Bonde with the fullest available information on this subject.]

J. S. Hummell
Secretary.

Hummell
26/6/1929

Hummell
26/6

4. Turning to the decision to extend the scope of the Norwegian Whalers' Association, Professor Hjort told me that this had long been a favourite idea of his, and that it had been successfully put through owing to the energy of the Chairman of the Association, Mr. Rasmussen, who is the same man as received the concession for Bouvet Island. The Professor hoped that the new Association would include all the principal whaling companies, both Norwegian and foreign, and those working by virtue of concessions and in the open sea; and he believed that it would be much easier to regulate the whole whaling industry with an association formed on these lines than it was at present.

I have, etc.,

(Signed) F.O. LINDSEY.

Copy#

(W 605/51/50)

No. 20.

BRITISH LEGATION,
OSLO.

CONFIDENTIAL.

18th January, 1929.

Sir,

With reference to my despatch No. 542 of the 18th ultimo, I have the honour to inform you that a meeting of the Norwegian Whalers' Association which was attended by other Norwegians interested in the whaling industry, by Mr. Oftedal, Minister of Fisheries, and Professor Hjort, took place on the 16th instant at Sandefjord to discuss the feasibility of sending an expedition to the Antarctic this year with a view to investigating the stock of whales in those waters. After a good deal of discussion it was decided to nominate a committee to enquire into the whole question - a decision which will make it impossible for the expedition to start this year.

2. Up to the present the Whalers' Association has only included those owners and companies who operate by virtue of concessions, and did not embrace the newer pelagic enterprises which have recently become so numerous and important. The meeting decided to appoint a committee in order to work out the rules and the organisation of an enlarged association, which should not only include Norwegian pelagic companies, but should also be empowered to invite all foreign whaling companies to join.

3. I happened to meet Professor Hjort at dinner last night, and he informed me that, on consideration, he did not regret the decision to postpone the scientific expedition, of which he was to be the leader. He added confidentially that he believed that the reluctance of the Association to despatch the expedition this year was in reality due to the fear that, if the expedition reported the existence of a large stock of whales in the area examined, there would be a rush to form new whaling companies. If, on the other hand, the expedition met with few whales, the agitation in favour of restricting the whole industry would receive a considerable impulse. In discussing this last aspect of this question, Professor Hjort said that he was coming more and more to the conclusion that the only reasonable prospect of saving the stock of whales would be to bring about an international agreement making a large area of sea, not at present exploited by any whaling company, into a reserve for a certain period. This reserve could then be set aside for scientific investigation, which would in this circumstances not meet with the opposition of the industry. He had given a great deal of consideration to the matter, but had not yet decided to put forward this solution as a definite proposal. He would probably write to Mr. Maurice of the Ministry of Fisheries on the subject.

The Right Honourable

Sir Austen Chamberlain, K.G., M.P.,
His Majesty's Principal Secretary of State
for Foreign Affairs,
etc., etc., etc.,



P 111-107/5

UNION OF SOUTH AFRICA

Downing Street,

Dominions No. 166

22 April, 1929.

Sir,

With reference to my despatch Dominions No.509 of the 20th October, 1928, regarding an international expedition to the Antarctic for the purpose of investigating the stock of whales, I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copy of a further despatch from His Majesty's Representative at Oslo.

No.20,18/1/29.

2. It will be seen that the plans for the proposed expedition have not yet been finally determined and that it will not in any event be possible for the expedition to start this year.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Forward to M. G. J. S. Isamery

CONSIDERATION
for INFORMATION
DISCUSS

Date 16/5/29 Initials W. C. S.

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

W. C. S.
16/5/29
15-5

7.



SECRET



UNION OF SOUTH AFRICA
Dominions No. 510
Secret.

Downing

20 October, 1928.

*26/10/28
20/11/28*

Sir,

20/10/28

With reference to my despatch Dominions No. 509 of the 20 October, I have the honour to invite reference to my despatch Dominions No. 434 Secret, of the 29th August, transmitting a copy of a despatch from His Majesty's Representative at Oslo regarding the "Norvegia" expedition to the Antarctic.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

J. S. Amery

*2. Mr. J. S. Amery
20/11/28*

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA.

*Assy Secretary
19.11.28*

*Copy of Despatch 509
has been sent to Mines & Industries
as the contents are of no interest
to Defence, to which Dept Despatch 434
was sent.*

Agriculture and Fisheries, I have thought it well to bring the matter to your notice as it is quite naturally attracting a good deal of attention here at the present time. Apparently the expedition is being undertaken at the instance of the International Council for deep sea research, and is not of course connected with the "Norvegia's" enterprise (please see Sir F. Lindley's despatch No. 369 of August 7th, 1928).

I have, etc.,

(Sd) A. Cassaigne.

Copy,

(W 9612/494/50).

No. 453.

BRITISH LEGATION,

OSLO.

October 3rd, 1928.

My Lord,

I have the honour to report that the "Morgenblad" of to-day publishes an interesting article describing preparations which are now being made at Oslo for an important international expedition to the Antarctic.

2. The chief object of this expedition is alleged to be the investigation of the stock of whales from Jan Mayen in the Arctic to the Antarctic barrier, and it will be headed by Professor Hjort, the well known Norwegian scientist.

3. According to the information received by the "Morgenblad's" representative from a member of the expedition, the party will proceed in July 1929 to the Arctic as far as Jan Mayen and then turn south to Cape Town; various investigations will be made in the Atlantic during the voyage. From South Africa the expedition will go to Bouvet Island and continuing further to the East intends to work round the entire Antarctic barrier, thus visiting regions where, according to the "Morgenblad", whaling has never been carried on before. The vessels to be used are stated as being the S.S. "Pythia" and two sailing boats.

4. While I understand that the British member of the expedition, Mr. Harvey of Plymouth, has mentioned the enterprise to an official of the Ministry of

Agriculture

The Right Honourable
The Lord Cushendun.

107/5



UNION OF SOUTH AFRICA

Dominions No 509

20 October, 1928.

*26/10/28
29/10/28
RG*

Sir,

I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copy of a despatch from His Majesty's Representative at Oslo, respecting an international expedition to the Antarctic for the purpose of investigating the stock of whales.

3rd October

2. Any further particulars which may be obtained regarding the expedition will be communicated to you in due course.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

*2. 11/10/28
29/10/28*

Is Amery

*Asst Secretary
19.11.28*

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

*Copy sent to see for
mines & industries
for inf.*

7

The whaling fleet is to go south early this year, as last year's results showed how fortunate it was to begin the catch early at the edge of the ice. It is probable that nearly all the cockeries fitted out this year will do it. Most of the expeditions will leave here during the first half of August and the whaling will then be in full swing by the beginning of October. The signing on of crews for the enormous whaling fleet will proceed from the middle of October. This year there will be required considerably more men than last year. The "Antarctic" and "Pelagos" alone, for instance, will each require 200 men. In all there will probably be needed more than 5,000 men this season.

If one asks where the new expeditions are to catch, it is not easy to get precise information. The companies and their managers say that they do not know yet themselves, but this is no doubt due to the competition. They have, of course pretty well made up their minds where they are to go, but they won't admit it. The Weddell Sea seems, however, to be the part to which particularly great expectations are now attached.

"Times Telegram" 2/7/22.

TRANSLATION.

The whaling towns are now busily engaged preparing for the new season, and Norwegian whalers will this year be operating with considerably increased and improved material. Tonsberg seems to be the town which has taken the lead this year so far as expansion is concerned. It is here that the two new whaling companies of the year have their head quarter, viz. "Antarctic" and "Pelagos", both managed by Bruun and von der Lippe. "Antarctic's" cookery has a capacity of 60,000 barrels and "Pelagos" is said to be able to take 70,000 barrels. Each of the cookeries is to catch with 5 catchers. In addition to these two large pelagic expeditions, Bruun and von der Lippe, have this year a smaller expedition to the Labrador coast, where they are to catch from a land station.

The whaling company "Africa", also at Tonsberg, is this year to make a trial in the South Atlantic - otherwise the company catches from a land station on the west coast of Africa. The company has purchased the wrecked floating cookery "Strombus" belonging to the Peru Company. Of the other Tonsberg companies it will be recollected that "Hektor" has purchased a large new transport ship. It will thus have three expeditions as compared with two before, none of the floating cookeries hereafter being bound to the land station. Both the "Ronald" and "Maudie" will therefore be able to work more on pelagic lines. The Tonsberg Whaling Company has, as previously, an expedition which is catching from a station at South Georgia, and one with a floating cookery at South Orkney. Finally, there is at Tonsberg the Anglo-Norse Company which had last year a so successful first season at the South Sandwich Islands.

The following expeditions are being fitted out from Sandefjord: A/S Sydhavet "Svend Foyn" with 3 catchers, A/S Ornen "Falk" and "Orn II", each with 3 catchers. A/S Odd (Lars Christensen) is sending out the new floating cookery "Torodd" of about 11,000 tons d.w. with a tank capacity of 50,000 barrels. It is fitted at the stern with slip way for hauling whales and is to carry on pelagic fishing with 3 catchers.

Bryde & Dahl have also a large new floating cookery. It is "Torshammer" ex "San Nazario" of 17,000 tons d.w. and a loading capacity of 70,000 barrels. The "Torshammer" is to carry on pelagic whaling without a licence with the 4 catchers which catch for the Norwegian Bay Whaling Company on the west coast of Australia. Bryde & Dahl have further, as before, an expedition to South Georgia.

A/S Vestfold has the same. The expeditions of A/S Rosshavet will be the same as before with "Sir James Clark Ross" and "C. A. Larsen". From Larvik, too, the same expeditions are being fitted out as last year, viz. for A/S Globus "Lancing" and for Polaris "N. T. Nielsen Alonso" for pelagic fishing and for A/S Norge the cookery "Solstreif" which is to go to South Shetland.

The/

British Legation,

OSLO.

No. 348.

23rd July 1928.

Sir,

Some weeks ago I saw in the "Tidens Tegn" an article on the development of the whaling industry in Norway. Since this question is of considerable interest to the Colonial Authorities at home and the subject of the possibility of exterminating the stock of whales is under such constant discussion in this country, I have had the article translated and have the honour to transmit a copy herewith. At the same time I asked the Commercial Secretary to this Legation to find out whether the list of whaling companies and the description of their activities given in the article was complete. Mr. Paus has now received a letter from Mr. Rasmussen, Chairman of the Norwegian Whalers' Association, who informs him that, in addition to the companies named by the newspaper, the following enterprises are also under preparation:

An expedition by Cia. Argentina de Pesca with the floating factory "Ernesto Tornquist" and four whale catchers.

The "Ishavet" Company will probably fit out the floating factory "Haugar" with two whale catchers in order to fish in the Antarctic.

Another floating factory and possibly two, will be working in cooperation on whale carcasses caught by other companies.

I have the honour to be
with the highest respect,
Sir,

Your most obedient, humble servant,

(Sd.) F.O. LINDLEY.

The Right Honourable
Sir Austen Chamberlain, K.C., M.P.,
His Majesty's Principal Secretary
of State for Foreign Affairs,
etc., etc., etc.

107/5
M. 4035



UNION OF SOUTH AFRICA

Downing Street,

No. 263

4 September, 1928.

Sir,

With reference to Lord Lovat's despatch No.17 of the 17th January, I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copy of a despatch from His Majesty's Minister at Oslo on the subject of the development of the whaling industry in Norway.

23rd July

I have the honour to be,

Sir,

Your most obedient,

humble servant,

J. Amery

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

M. ...

Passed to *Sec. of Mines & Industries*

CONSIDERATION
for INFORMATION
DISPOSAL

Date *28/9/28*

Initials *25*

file.

at that stage, but it was felt that it would be advantageous for the High Commissioners to be informed of the position in case subsequent developments should render it desirable to ask them whether they would wish to be represented at further discussions of the Norwegian scheme.

Our letter was therefore primarily intended for the information of the High Commissioner, but it was appreciated, of course, that he would communicate it to the Union Government if he thought this desirable.

As a matter of fact, there is little progress to report since the date of our letter and certainly not sufficient to provide us with anything definite to be laid before the Union Government in a formal despatch at the present moment.

Yours sincerely,

(Signed) C. W. DIXON.

COB.

... attempted before it had been proved that the ... of any practical importance for Norwegian shipping.

... on sailing ... of this ... to the ... of ...

I have, etc.,

(CC.) - P.O. LIBRARY.

The Royal Norwegian ...

...

draft Convention for the international control of whaling outside territorial waters; a despatch to the Union Government on this subject would have been sent before now but for the absence of certain printed documents required to go with it. These are at length available and we expect that the despatch will be sent shortly: when it issues, a copy will be sent to the High Commissioner.

As regards the other special topic discussed by the Interdepartmental Conference, I would explain that for some time past strictly informal and confidential discussions had been proceeding with the Norwegian Minister with a view to ascertaining whether any sort of arrangement could be reached for controlling the activities of pelagic whalers in the waters of the Falkland Islands Dependencies, but it was only shortly before the meeting of the Conference that the proposals outlined on page 7 of the minutes emerged from these discussions.

The proposals had not been sufficiently developed to enable the Conference to express any very definite opinions, or to call for any official communication to the Union Government

at

1934, 1935

fail

COB.

... attempt before it had been proved that the ...
... practical experience for Norwegian whaling ...
... as well as a copy of ...
... of ...

1934, 1935

(S.S.) - F.S. LINDSEY

ant

Office of the Department of External Affairs,

Victoria.

13th December, 1927.

CONFIDENTIAL.

13
February, 1928.

Dear Mr. Eales,

I have received your letter No. 13/631 of the 26th January, enclosing a copy of a Minute from the Union Department of External Affairs regarding our letter to your Office, D.10480/27 of the 12th November, on the subject of the control of the of whaling operations outside territorial waters.

The normal procedure is, of course, as indicated in the Minute enclosed in your letter, for official communications on such subjects from the Dominions Office intended for the Union Government to be addressed by the Secretary of State to the Minister of External Affairs.

The main purpose of the Interdepartmental Conference, the minutes of which were enclosed in our letter, was to consider the advice to be tendered to the Government here as to the reply to be returned to the French Government regarding the

S. EALES, ESQ.

(Signed) G. J. E. FRANKLIN
Asst. Secretary for External Affairs

draft

COB.

with attention before it has been proved that the taking up of any practical importance for foreign whaling.

I am sending a copy of this Minute to the Department of Overseas Trade.

I have, Sir,

(Sd.) - F. G. LINDSAY.

Union of South Africa.

Office of the Department of External Affairs,
Pretoria.

Confidential.

13th December, 1927.

The Acting Secretary,
Office of the High Commissioner
for the Union of South Africa,
Trafalgar Square,
London.

I have to acknowledge the receipt of your Confidential Minute, No. 12/361 of the 17th November, 1927 on the subject of the Control of Whaling operations outside territorial waters.

With exception of the Confidential Minute dated November, 1927 addressed to you and the Minutes of the Interdepartmental Conference on the question of international control of whaling, held on the 12th October, 1927 all the documents reached this office through the Governor-General's Office on the 5th February, 1927.

I shall be glad if you will let me know whether these documents have been sent to you by the Dominions Office, for your information or with the request to transmit them to the Union Government. All correspondence from the Dominions Office for the Union Government has so far been addressed to the Minister of External Affairs direct.

(Signed) W. J. H. FARRELL
Asst. Secretary for External Affairs

COH.

[Faint, mostly illegible text from the reverse side of the paper, including a signature and possibly a date.]

C O P Y.

South Africa House,
Trafalgar Square,
London, W.C.2.

12/631
Confidential.

26th January, 1928.

Dear Mr. Dixon,

With reference to your official letter, No. 10480/27 dated the 12th November last, a copy of which was transmitted to South Africa, I am enclosing a copy of a Minute received from the Department of External Affairs and shall be glad if you can furnish me with the material to enable me to reply.

Yours sincerely,

(Signed) S. Y. EALES.

C. W. Dixon, Esq., O.B.E.,
Dominions Office,
Downing Street,
S.W.1.

COH.

int



Telephone: REGENT 6760
Telegraphic Address:—
"OPPOSITELY, WESTRAND, LONDON."

Pm 107/5

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO—
THE SECRETARY,
OFFICE OF THE HIGH COMMISSIONER FOR THE
UNION OF SOUTH AFRICA,
and the following Number quoted:

SOUTH AFRICA HOUSE,
TRAFALGAR SQUARE,
LONDON, W.C. 2.

12/631.

Pm 107/5

CONFIDENTIAL.

17 FEB 1928

Dear Farrell,

Referring to your confidential Minute of the 13th December marked P.M.46/35 on the subject of the Control of Whaling operations outside territorial waters, I thought it best to take up the matter semi-officially and you will see from the enclosed letters to and from Mr. Dixon of the Dominions Office, that the subject was not ripe for formal transmission to you, but so that we might be kept informed, his letter of the 12th November, 1927 was forwarded confidentially to me for any action I thought fit to take.

Yours sincerely,

Stanley Evans

W. J. H. Farrell, Esq.,
Department of External Affairs,
Pretoria,
South Africa.

W. J. H. Farrell

[Faint, illegible text from the reverse side of the page]

int

P.M. 107/5.

HvT/AC.

SECRETARY FOR EXTERNAL AFFAIRS,

CAPE TOWN.

28th March, 1928.

CAPE TOWN.

28th March, 1928.

Reference is made to my Minute of the 16th instant, I forward herewith, for your information, copies of Despatches from His Majesty's Representative at Oslo regarding recent articles in the Norwegian press on the subject of whaling in the Antarctic and the formation of new pelagic whaling companies in Germany and Norway.

With reference to my Minute of the 16th instant, I forward herewith, for your information, copies of Despatches from His Majesty's Representative at Oslo regarding recent articles in the Norwegian press on the subject of whaling in the Antarctic and the formation of new pelagic whaling companies in Germany and Norway.

M. J. G. van der ...

SECRETARY FOR EXTERNAL AFFAIRS.

7

The Right Honorable
Sir ...

BRITISH LEGATION,

OSLO.

26th January, 1928.

Sir,

With reference to my despatch No. 37 of the 17th January, I have the honour to report that the "Norges Handels og Sjøfartstidende" of the 24th January contains a telegram from its London correspondent regarding an interview which he has had with representatives of the new Norwegian Whaling Company "Antarctic". These gentlemen, who are at present in London, have purchased a P. and O. liner of 13,000 tons which they propose to fit out for pelagic whaling in the waters between 40° and 60° South latitude and 25° West and 20° East longitude.

2. They expressed the opinion that Bouvet Island, which lies within these waters, would be of no more importance as a base for whaling operations than the area of land around the Ross Sea had hitherto been: the latter had in fact proved of no economic value up to the present date. They went on to say that the results attained this year by companies carrying on pelagic whaling in the Antarctic indicated that there was an enormous supply of whales in the area referred to and they were surprised that a member of the Discovery Expedition, Dr. Marshall, should agitate against whaling, since the catch was quite unparalleled and reports from whalers were extremely optimistic. They were amazed that the question of Bouvet Island should attract so much attention before it had been proved that the Island was of any practical importance for Norwegian whaling.

3. I am sending a copy of this despatch to the Department of Overseas Trade.

I have, etc.,

(Sd.) - F.O. LINDLEY.

The Right Honourable
Sir Austen Chamberlain, K.G., M.P.,
etc., etc., etc.

DUPLICATE

C. J.

No. 37.

(W 622/494/50).

British Legation,

OSLO.

17th January, 1928.

Sir,

I have the honour to report with reference to previous correspondence that there have been not a few articles lately in the Norwegian press on the subject of whaling in the Antarctic. The results so far reported of the catch during the present season have been unusually favourable and have evidently given rise to the belief that there is no danger to the stock of whales within a measurable future. In this connexion statements attributed to members of the late British scientific expedition to the Antarctic are described as unduly pessimistic, and as due, not so much to a scientific desire to save a threatened species of valuable animals, as to the wish to retain British control over the whaling industry by discrediting pelagic whaling. The success of the Norwegian companies this year appears also to be attracting attention in Germany; and a Norwegian newspaper reports this morning that the former Captains of the two biggest German ships "Imperator" and "Vaterland" have, in conjunction with the leader of the Dauff Polar Expedition, formed a committee to enquire as to how far Germany is in a position to supply herself with whale oil. Amongst the members of the committee is mentioned Herr Lubbert, the well-known Director of Fisheries in Hamburg. This committee proposed that a German whaling company should be formed with a capital of ten million Marks in order to acquire a mother-ship capable of taking twelve thousand tons of whale oil, five specially constructed whaling boats forty metres long, and a seaplane in order to observe the presence of whales. The newspaper adds that the necessary capital has already been privately guaranteed.

2. I have sent a copy of this despatch to the Department of Overseas Trade.

I have, etc.,
(Sd.) - F. O. LINDLEY.

The Right Honourable
Sir Austen Chamberlain, K.G., M.P.,
His Majesty's Principal Secretary of
State for Foreign Affairs

DUPLICATE



PM. 107/5

UNION OF SOUTH AFRICA.

Downing Street,

No: 71

5 March, 1928.

Sir,

With reference to Lord Lovat's despatches No.17 of the 17th January and No.31 of the 4th February, I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copies of despatches from His Majesty's Representative at Oslo regarding recent articles in the Norwegian press on the subject of whaling in the Antarctic and the formation of new pelagic whaling companies in Germany and Norway.

No.37: 17 Jan:
No.32: 26 Jan:

I have the honour to be,

Sir,

Your most obedient,

humble Servant,

(Signed) L. S. AMERY.

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA.

9/11/28



P.M. 107/5

UNION OF SOUTH AFRICA.

Downing Street,

No: 71

5 March, 1928.

Sir,

With reference to Lord Lovat's despatches No.17 of the 17th January and No.31 of the 4th February, I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copies of despatches from His Majesty's Representative at Oslo regarding recent articles in the Norwegian press on the subject of whaling in the Antarctic and the formation of new pelagic whaling companies in Germany and Norway.

No.37: 17 Jan.

No.52: 26 Jan.

I have the honour to be,

Sir,

Your most obedient,
humble Servant,

J. Amery

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA.

*Mr van Zyl
To Mr ...
R*

X

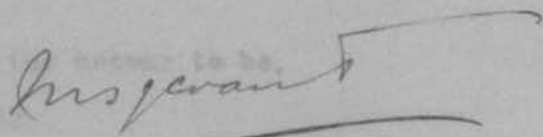
P.M. 107/5.

HvT/AC.

and is printed as under I do the enclosed Procla
ration. It will be sent from the offices of the
Secretary for Mines and Industries, CAPE TOWN. That
the Committee have on 16th March, 1928.

The Secretary for Mines and Industries,
Cape Town.

With reference to my Minute, No.P.M.
46/35 of the 7th February last, regarding the formation
of a new Norwegian pelagic Whaling Company, I forward
herewith, for your information, copy of a confidential
Despatch from the Secretary of State for Dominion Affairs,
Dominions No. 83, dated the 17th idem, together with copies
of the enclosures mentioned therein, as also copy of
Despatch from the Secretary of State for Dominion Affairs,
Union of South Africa, No. 31, dated the 4th idem.



SECRETARY FOR EXTERNAL AFFAIRS.

7

and is printed as Annex I to the enclosed Procès Verbal. It will be seen from the minutes of the meeting held on the afternoon of the 8th April that the Committee were of opinion that it was not within their terms of reference to consider proposals of this character, and that their examination of the draft Convention was therefore confined to matters of a scientific character. When the subject was considered by International Council for the Exploration of the Sea it was decided that the Procès Verbal of the meetings of the Whaling Committee should be circulated to the Governments concerned without comment.

5. Having regard, however, to the terms of the Note from the French Chargé d'Affaires of the 4th April, 1927, it has been thought desirable to furnish the French Government with some expression of the views of His Majesty's Government in Great Britain on the question and I enclose a copy of a Note which was accordingly addressed to the French Ambassador on the 19th Dec. 19th of December last.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

J. Amery

CONFIDENTIAL

P.M. 107/5



UNION OF SOUTH AFRICA

Dominions No. 83

Confidential

Downing Street,
17 February, 1928.

Sir,

Procès Verbal

I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copy of the Procès Verbal of meetings of the Whaling Committee of the International Council for the Exploration of the Sea, which were held in Paris in April last.

2. It will be seen from pages 12 to 15 of the enclosed Procès Verbal that at the first meeting of the Committee a statement was made by the representative of Great Britain regarding the work of the "Discovery" Expedition, and in this connection I would invite reference to my despatch to the Governor General Dominions No. 370 of the 27th June, 1927.

3. I enclose also a copy of a note from the French Chargé d'Affaires in London, which was received immediately prior to the meetings of the Whaling Committee forwarding the draft of a Convention for the international control of whaling outside territorial waters.

4. This draft Convention, which was prepared by a French Interdepartmental Commission, was brought before the Whaling Committee at their meetings in April,

and

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA.


4th Apl. *File attached*

*Mr. Towner
to Mr. ...
14. 2. 28*

Handwritten note: May 9 speak pl?

Handwritten signature

Handwritten: 9/1/28


UNION OF SOUTH AFRICA
No. 31



Handwritten: P.M. 46/35

Downing Street,
4 February, 1928.

Sir,

With reference to my despatch No.17 of the 17th of January, relative to the reported formation of a new Norwegian pelagic whaling company, I have the honour to state that the Governor of the Falkland Islands has reported by telegraph that he was informed on the 8th January by the Manager of the Ornen Whaling Company that the S.S."Lancing", which has been conducting pelagic whaling operations in Southern and Antarctic waters, already had a full ship load of 47,000 barrels of oil and was on the point of leaving for Europe and that three more floating factories were under construction in Norway for use in pelagic whaling in the waters of the Falkland Islands Dependencies and in the Ross Sea.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

(for the Secretary of State)

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Handwritten signature: Lloyd

Handwritten signature: W. van Dyke

— RLV —
SOUTH AFRICA
MADE IN WOODS

Secretary for External Affairs



Cape Town



TOWN.
7th February, 1928.

on the 26th November.
The Secretary for Mines & Industries,
Cape Town.

In the paragraph under question 15 it is stated that
With reference to my Minute of the
13th December, 1927, I forward herewith, for your
information, copy of a communication issued by the
British Department of Overseas Trade, relative to a
Norwegian Press report regarding the formation of a new
Norwegian pelagic whaling company.

His Excellency

SECRETARY FOR EXTERNAL AFFAIRS.

*Paid till a
receipt is received
from the High Com.
to our letter of
13 Dec.
(say another month)
17/2*

P.M. 46/35.

VT/AG.

CAPE TOWN.

7th February, 1928.

The Secretary for Mines & Industries,
Cape Town.

With reference to my Minute of the
13th December, 1927, I forward herewith, for your
information, copy of a communication issued by the
British Department of Overseas Trade, relative to a
Norwegian Press report regarding the formation of a new
Norwegian pelagic whaling company.

Bus
SECRETARY FOR EXTERNAL AFFAIRS.

*Paid till a
receipt is received
from the High Com.
to our letter of
13 Dec.
(Say another month)
17/2*

D.O.T. 24327/1927.

NEW NORWEGIAN WHALING COMPANY.

According to "Aftenposten" of the 26th November, 1927, a new whaling company, to be known as The Antarctic Whaling Company, has been formed with a share capital of one million kroner. The first general meeting of shareholders was held on the 26th November.

The object of the new company is pelagic whaling in the Ross and Weddel Seas. The managers are said to be Bruun and von der Lippe of Tønsberg.

In the newspaper report in question it is stated that negotiations are in progress for the purchase of a new vessel of 14,000 tons to be fitted out as a floating cookery. The first expedition, which is to be sent out in August 1928, will consist of a floating cookery fitted up for pelagic whaling and four or five catchers burning oil fuel.

The share capital of the company is later to be increased to 3 million kroner.

It is not yet known whether the public will be invited to subscribe towards the share capital, and as both English and Spanish capital is said to be invested, the company will probably be registered outside Norway.

Interested in the formation of the new company are Mr. H.M. Wrangell, Mr. Rudolf Olsen, Mr. Sigurd Brunsgaard, all shipowners and Mr. Carl F. Herlofson, a whaling expert.

From - Department of Overseas Trade,
(Shipping & Transport Section),
73, Basinghall Street,
London, E.C.2.

9th December, 1927.

DUPLICATE

UNION OF SOUTH AFRICA

No. 17

DOWNING STREET,

17 January, 1928.

Sir,

With reference to Mr. Amory's despatch to the Governor General No. 3 of the 10th January, 1927, I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copy of a communication issued by the Department of Overseas Trade relative to a Norwegian Press report regarding the formation of a new Norwegian pelagic whaling company.

9th December.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(for the Secretary of State)
(Signed) LOVAT.

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA.

5/10/28
UNION OF SOUTH AFRICA

No. 17



Am 46/35

DOWNING STREET,
17 January, 1928.

Sir,

9th December.

With reference to Mr. Amery's despatch to the Governor General No. 3 of the 10th January, 1927, I have the honour to transmit, for the information of His Majesty's Government in the Union of South Africa, the accompanying copy of a communication issued by the Department of Overseas Trade relative to a Norwegian Press report regarding the formation of a new Norwegian pelagic whaling company.

I have the honour to be,

Sir,

Your most obedient,

humble Servant,

(for the Secretary of State)

Lord

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Mr. van Dyck

VT/AC.

PRETORIA.

CONFIDENTIAL.

13th December, 1927.

The Secretary for Mines & Industries,
Pretoria.

In continuation of my Minute of the 5th
February, 1927, I forward herewith a copy of the Minutes
of an Interdepartmental Conference on the question of
international control of Whaling, held in London on the
12th October, 1927.

I also enclose a copy of a letter addressed
by the Dominions Office to the Secretary, Office of the
High Commissioner for the Union of South Africa, dated
November, 1927.

W. S. Prins

SECRETARY FOR EXTERNAL AFFAIRS.

7.

Mr. van Sijen

I don't think we need write
his letter - It is part of the
an arrangement to keep the
H.C. informed, I think

Why were we not in-
formed, or communicated
with, by the Dominions Office?

That is the reason I ask
whether the docs were sent
for information of the High Com
or for transmission to
Union Govt.

13/XII

whether these documents have been sent to you by the
Dominions Office, for your information or with the request
to transmit them to the Union Government. All corres-
pondence from the Dominions Office for the Union Govern-
ment has so far been addressed to the Minister of External
Affairs direct.

Read
2 months
25

W. G. H. Farrell
SECRETARY FOR EXTERNAL AFFAIRS.

ask

THE SECRETARY
OFFICE OF THE HIGH COMMISSIONER FOR THE
UNION OF SOUTH AFRICA,
TRAFALGAR SQUARE, LONDON, W.C.2.
P.M. 46/35.

VI/AC.

DEPARTMENT OF EXTERNAL AFFAIRS,
PRETORIA.

CONFIDENTIAL.

13th December, 1927.

The Acting Secretary,
Office of the High Commissioner
for the Union of South Africa,
Trafalgar Square,
London.

I have to acknowledge the receipt of your Confidential Minute, No. 12/361 of the 17th November, 1927, on the subject of the Control of Whaling operations outside territorial waters.

With exception of the Confidential Minute dated November, 1927, addressed to you and the Minutes of the Interdepartmental Conference on the question of international control of whaling, held on the 12th October, 1927, all the documents reached this office through the Governor-General's Office on the 5th February, 1927.

I shall be glad if you will let me know whether these documents have been sent to you by the Dominions Office, for your information or with the request to transmit them to the Union Government. All correspondence from the Dominions Office for the Union Government has so far been addressed to the Minister of External Affairs direct.

*Recd
2 months
15*

W. G. H. Farrell
SECRETARY FOR EXTERNAL AFFAIRS.

Telephones: REGENT 8760.
Telegraphic Address—
"OPPOSITE, LONDON."



*Mm. 27/85
46/85*

ALL COMMUNICATIONS SHOULD BE ADDRESSED TO—
THE SECRETARY.
OFFICE OF THE HIGH COMMISSIONER FOR THE
UNION OF SOUTH AFRICA,
TRAFALGAR SQUARE, LONDON, W.C. 2.

MINUTE.

CONFIDENTIAL.

SUBJECT:—

Whaling Operations.

REFERENCE { Your No. _____ dated _____
NUMBERS. { This Office No. *12/361* dated _____, which
 please quote when replying.

17 NOV 1927

The Secretary for External Affairs,
P R E T O R I A.

With reference to Minister's Minute No. 331 dated the 27th April, 1926, on the subject of the control of whaling operations outside territorial waters, I have the honour to enclose a copy of a letter received from the Dominions Office, and all the Minutes referred to therein.

James Eales
ACTING SECRETARY.

M. van Dyke

All these docs, with the exception of the Minutes, were received from the Gov. Gen's office on 5/11/27.

7/11/27

Copy.

(W 11636/6664/50).

No. 313

British Legation,

Oslo,

11th December, 1926.

Sir,

I have the honour to report that I learn from Professor Hjort that a Norwegian whaler who has recently been in Hamburg stated that a company is being formed in that town with a capital of half a million Marks, in order to fit out an expedition for pelagic whaling in the Antarctic. It may be that this information is incorrect or premature, but, since the Germans have recently sent a scientific expedition to Antarctic waters, the report is inherently probable. Professor Hjort is seriously concerned as to the future of the whole whaling industry if measures are not taken to preserve the stock, and he thinks that the above information may be of interest to Mr. Darnley at the Colonial Office, with whom he has had some unofficial conversations. These have dealt mainly with the question of the renewal of licenses for Norwegian whalers in the British dependencies in the Antarctic, but the Professor is now inclined to think that the most important question in the immediate future is the protection of the whales, and he seems to attach considerable importance to measures being taken towards that end before other countries become interested in the industry.

I have etc.,

(Sgd) F.O. Lindley.

The Right Honourable

Sir Austen Chamberlain, K.G., M.P.,

etc., etc., etc.

being conducted and especially those of the 'Discovery' Expedition in the south and of Dr. Hjort in the north, and to organise such contributory work as seems practicable."

We were careful to insist upon the purely scientific character of the reference, pointing out that the question of an international convention to secure the rational exploitation of whales, to which reference was made in the discussion of the subject, was one to be dealt with by representatives directly appointed for the purpose by the Governments concerned, if and when the scientific information was acquired which alone could form an adequate basis for the discussion of a convention.

At the meeting of the Council of the International Council for the Exploration of the Sea, held in London in 1902, the subject of the whaling industry in the North Sea was discussed, and the opportunity of an international convention was mentioned, and the matter was accordingly referred to the Council.

It was decided to set up the International Council for the Exploration of the Sea, and to invite the Governments of all the countries in which whaling is carried on to send representatives to the Council. It was also decided to appoint a committee to study the whaling industry in the North Sea, and to report to the Council. The committee was appointed in 1903, and its report was published in 1904. The committee was composed of representatives of Denmark, England, France, Germany, Norway, Scotland and Spain, with the following terms of reference:-

"To consider to what extent and by what means the International Council can contribute to the biological investigations of whales of the North Sea."

Extract from the Report of British Delegates to the
International Council for the Exploration of the Sea of
the Meeting of the Council at Copenhagen, September, 1926.

x

x

x

Whaling

The proposal advanced by the Spanish delegates last year that the Council should appoint a Committee to consider problems affecting the whaling industry was postponed at our request to this year's meeting. As we explained in our last report, we wished to have an opportunity of discussing the question with the Colonial Office before expressing any views on the subject in the Council. In the interval we have had the opportunity of an exchange of views with that Department, and we were accordingly prepared to deal with the question.

It was obvious to us that the International Council was not a body competent to deal with the problems of whaling in all parts of the world, but we felt that it might be able usefully to supplement the work of the "Discovery" based on the Falkland Islands and of Dr. Hjort in northern latitudes. Both the French and the Spanish Delegates were extremely anxious that a committee should be formed to study certain aspects of the question in connection particularly with whaling operations in the neighbourhood of Gibraltar and off the west coast of Africa. We accordingly supported the proposal, ultimately adopted by the Council, to appoint a committee containing representatives of Denmark, England, France, Norway, Portugal, Scotland and Spain, with the following terms of reference:-

"To consider to what extent and by what means the International Council can contribute to the biological investigations of whales at present being

UNION OF SOUTH AFRICA.

No. 3.

Downing Street,

10th January, 1927.

My Lord,

I have the honour to transmit to Your Excellency for the information of your Ministers, the accompanying copy of an extract from the Report of the British Delegates to the Meeting of the International Council for the Exploration of the Sea, held at Copenhagen in September 1926 with regard to whaling.

11th December.

2. I enclose also a copy of a despatch from His Majesty's Representative at Oslo regarding the reported formation in Hamburg of a company to fit out an expedition for pelagic whaling in the Antarctic.

I have etc.,

(Sgd) L.S. Amery.

GOVERNOR GENERAL,

HIS EXCELLENCY,

THE RIGHT HONOURABLE,

THE EARL OF ATHLONE, G.C.B. G.C.M.G., G.C.V.O., D. S.O.

Copy.

(W 11636/6664/50.)

No.313.

British Legation,

Oslo.

11th December, 1926.

Sir,

I have the honour to report that I learn from Professor Hjort that a Norwegian whaler who has recently been in Hamburg stated that a company is being formed in that town with a capital of half a million Marks, in order to fit out an expedition for pelagic whaling in the Antarctic. It may be that this information is incorrect or premature, but, since the Germans have recently sent a scientific expedition to Antarctic waters, the report is inherently probable. Professor Hjort is seriously concerned as to the future of the whole whaling industry if measures are not taken to preserve the stock, and he thinks that the above information may be of interest to Mr. Darnley at the Colonial Office, with whom he has had some unofficial conversations. These have dealt mainly with the question of the renewal of licences for Norwegian whalers in the British dependencies in the Antarctic, but the Professor is now inclined to think that the most important question in the immediate future is the protection of the whales, and he seems to attach considerable importance to measures being taken towards that end before other countries become interested in the industry.

I have etc.,

(Sgd) F.O.Lindley.

The Right Honourable
Sir Austen Chamberlain, K.G., M.P.,
etc., etc., etc.

We were careful to insist upon the purely scientific character of the reference, pointing out that the question of an international convention to secure the rational exploitation of whales, to which reference was made in the discussion of the subject, was one to be dealt with by representatives directly appointed for the purpose by the Governments concerned, if and when the scientific information was acquired which alone could form an adequate basis for the discussion of a convention.

+ + +
The Commission has decided upon the following course of action in the matter of the scientific study of the whale. It has decided to appoint a scientific committee of experts to be known as the International Whaling Commission, which shall be charged with the task of studying the whale and of reporting to the Commission on the results of its work.

The Commission has also decided to appoint a sub-committee to be known as the International Whaling Commission, which shall be charged with the task of studying the whale and of reporting to the Commission on the results of its work. The sub-committee shall be composed of representatives of the Governments of the United Kingdom, the United States of America, the Netherlands, and the Soviet Union. The Commission has also decided to appoint a sub-committee to be known as the International Whaling Commission, which shall be charged with the task of studying the whale and of reporting to the Commission on the results of its work.

To provide for the study and by that means the international study of the whale, the Commission has decided to appoint a sub-committee to be known as the International Whaling Commission, which shall be charged with the task of studying the whale and of reporting to the Commission on the results of its work.

Extract from the Report of British Delegates to the
International Council for the Exploration of the Sea of the
Meeting of the Council at Copenhagen, September 1926.

+ + +

Whaling.

The proposal advanced by the Spanish delegates last year that the Council should appoint a Committee to consider problems affecting the whaling industry was postponed at our request to this year's meeting. As we explained in our last report, we wished to have an opportunity of discussing the question with the Colonial Office before expressing any views on the subject in the Council. In the interval we have had the opportunity of an exchange of views with that Department, and we were accordingly prepared to deal with the question.

It was obvious to us that the International Council was not a body competent to deal with the problems of whaling in all parts of the world, but we felt that it might be able usefully to supplement the work of the "Discovery" based on the Falkland Islands and of Dr. Hjort in northern latitudes. Both the French and the Spanish Delegates were extremely anxious that a committee should be formed to study certain aspects of the question in connection particularly with whaling operations in the neighbourhood of Gibraltar and off the west coast of Africa. We accordingly supported the proposal, ultimately adopted by the Council, to appoint a committee containing representatives of Denmark, England, France, Norway, Portugal, Scotland and Spain, with the following terms of reference:-

"To consider to what extent and by what means the International Council can contribute to the biological investigations of whales at present being conducted, and especially those of the 'Discovery' Expedition in the south and of Dr. Hjort in the north, and to organise such contributory work as seems practicable."

We

Pen 46/35

DUPLICATE

UNION OF SOUTH AFRICA

No. 3

Downing Street,

10 January, 1927.

My Lord,

I have the honour to transmit to Your Excellency for the information of your Ministers, the accompanying copy of an extract from the Report of the British Delegates to the Meeting of the International Council for the Exploration of the Sea, held at Copenhagen in September, 1926, with regard to whaling.

2. I enclose also a copy of a despatch from His Majesty's Representative at Oslo regarding the reported formation in Hamburg of a company to fit out an expedition for pelagic whaling in the Antarctic.

I have the honour to be,

My Lord,

Your Lordship's most obedient,
humble servant,

(Signed) L. S. AMERY

11th Dec.

GOVERNOR GENERAL,

HIS EXCELLENCY,

THE RIGHT HONOURABLE,

THE EARL OF ATHLONE, G.C.B., G.C.M.G., G.C.V.O., D.S.O.

etc., etc., etc.

Pm 46/35



GOVERNOR-GENERAL'S OFFICE,

CAPE TOWN,

2nd February, 1927.

No. 5/153

Guth

MINUTE.

The GOVERNOR-GENERAL transmits herewith for the information of MINISTERS a copy of the undermentioned document on the subject of an extract from the Report of the British Delegates to the Meeting of the International Council for the Exploration of the Sea with regard to whaling and the reported formation in Hamburg of a company to fit out an expedition for pelagic whaling in the Antarctic.

GOVERNOR-GENERAL.

DATE.	DESCRIPTION OF DOCUMENT.
10th January, 1927.	Despatch No. 3 from the Secretary of State for Dominion Affairs (with enclosures).

PRIME MINISTER'S OFFICE	
Minis & Industries information	
On	5/2/27
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a close season, the prohibition of capture of female whales accompanied by calf, a limitation of size especially in the case of sperm whales, and compulsory utilization of the whole carcass of whales captured, and the representations of Ministers on these points have been well received, and it is hoped that complete uniformity will shortly be attained so far as the South African coasts are concerned. These measures will, however, in the opinion of Ministers be insufficient unless some further protection is given to the whale species in the Antarctic.

J. B. M. HERTZOG.

examine to what extent it may be possible to constitute the Barrier the basis of the three mile territorial zone either by international understanding or otherwise.

If, however, it is considered impossible to attach any special importance to the Barrier as a basis for a three mile territorial limit Ministers would desire to record the hope that it may be possible by some form of international agreement to adopt a certain latitude representing perhaps the average limit of the Barrier in normal years, as an international limit within three miles of which whale fishing should not be countenanced.

Ministers fully recognise the impossibility of strictly enforcing such an agreement in high latitudes, but they think that an agreement of this kind, among the nations engaged in the fishery, would at least have a tendency towards protection of the fishery, and would have a moral value which would influence the general fishing habits of whale captains and crews, and tend to induce them to carry on the greater part of their operations at all events outside the limit, thereby giving the whales some measure of protection in the Southern Ocean. Ministers are of opinion that with the development of intensive whaling operations as foreshadowed in the correspondence some form of protection or sanctuary is essential if the total extinction of the whale species is to be averted.

Ministers have already approached the Governments of neighbouring territories on the coast of Africa regarding the need for taking combined action for the protection of the whaling industry along the coasts of the Southern portion of the Continent during the migration seasons on the lines of limitation of licenses to whaling steamers, the establishment of



Minute No. 331

CAPETOWN.

MINISTERS have the honour to inform His Excellency the Governor-General that they have given careful consideration to Despatch Confidential Dominions No. 54 with enclosures from the Secretary of State for Dominion Affairs dealing with the question of whaling in the Antarctic and in the Antarctic Regions, and particularly with the limits of territorial waters in those regions. Ministers recognise the disastrous effects which indiscriminate raiding of Antarctic waters by steam whalers accompanied by floating factories for dealing with whale carcasses, may have upon the supply of whales and the whale fishing industry in the future.

Ministers however recognise the difficulties which in the absence of precedents to the contrary exist in regard to maintaining that the limits of territorial jurisdiction can be measured from any other line than terra firma. Ministers recognise that it is out of the question that any form of pack ice could ever be taken as the limiting line of territorial jurisdiction, but they would suggest consideration of the possibility that the position in regard to the Ross Ice Barrier is somewhat different. The Barrier forms a prominent and always discernable physical feature of the region; it is on the whole permanent in character, and presumably a considerable portion of it rests on the sea-floor. It seems reasonable therefore to

examine.....