

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. Nees
Please despatch

RB

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
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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.



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 until April 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.

At your London

*Her name Tyers, (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:
S 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. Pinar
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. Pinar
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 Reminder
sent on 28/1/30

Recd 6/2/30
29/1/30
Hyp

[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,

Pretoria.

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. P. P.

Accredited Representative.

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

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

JU/MI

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. J. P.*



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. ... 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
necessarily mean
apart from
11/10/29

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: "OPPOSITE, 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.

now what 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.

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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
sien op 1 Okt. aan
May voorgel. ✓
4/10

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

TELEGRAMMES
TELEGRAPHY ADDRESS

TELEPHONE
TELEPHONE

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

L.P.P.
30.9.29

Waarheen is
daar is me in
leis onblyfslik
wys. Die
aangelegte
in wel sterkte
oor swa.
30/9/29
J.P.P.



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
Wolvis rans, 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. Ek is niere
riet het nie.

Mr. Uys
die lees is aangeleg
- man soos u -
note hieroor sal al
sein op 1 Okt. aan
May Renaat
vorgele.
4/10

Mr. Uys (A)
30/9

TELEGRAMMES }
TELEGRAPHY ADDRESS } "BOTRIN."

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 verwyk 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.

DOMINIONS 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