

the other. It was the aim of His Majesty's Government to prohibit as far as possible the taking of blue and fin whales south of the Equator during the "close season"; and they had understood that the Norwegian Government were in sympathy with this object. They would be willing, as stated in my previous note, to agree to exempt from this prohibition the two non-slip factory ships "Roald Amundsen" and "Norskehavet", and also the "Hauger", if she is, and remains, a non-slip factory ship; but they would not favour the provision suggested in the eighth paragraph of your note that all factory ships which do not participate in Antarctic whaling may fish anywhere north of 40 degrees south latitude. They are prepared, however, to give further consideration to this point, if the Norwegian Government will explain in more detail the reasons for their present proposal.

9. In conclusion I trust that the Norwegian Government will appreciate that the sole object of His Majesty's Government's proposals is to secure an equitable distribution of the products of whaling operations conducted on a restricted basis in the coming season, and that in the light of the considerations set out above and in my note of the 5th September they may now be able to accept the proposals made in that note, as amended in the fourth paragraph above.

I have, etc.

(For the Secretary of State)

(Sgd.) Laurence Collier.

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I have, etc.

(For the Secretary of State)

(Sgd.) Laurence Collier.

the United Kingdom, it is even more difficult in this case to put pressure on the company to accept any restrictions against their will. The engagement of crews for the "New Sevilla" was begun early because of the threat of interference from the Norwegian trade unions; and Messrs. Salvesen's action in this respect appears to have been justified by events, since a recent report from His Majesty's Minister at Oslo shows that the company are still having difficulty in securing Norwegian crews for their ships. His Majesty's Government must therefore maintain their previous attitude with regard to this ship also.

7. With regard to the sixth paragraph of your note, His Majesty's Government sympathise with the Norwegian Government's desire to secure strict enforcement of the regulations, particularly those concerning reserve boats, and they will, as in the past, station on each whaling factory ship an official inspector in whom they have complete confidence. They are unable, however, to accept the regulation concerning the reserve boats in the exact form proposed by the Norwegian Government, since the obligation to keep reserve boats in the nearest harbour would operate unfairly between different whaling expeditions, the distance from the nearest harbour to the place of fishing varying enormously in each case. In any case, they are confident that the regulation proposed in my note of the 5th September would, in view of the above-mentioned provision for strict supervision, fully meet the case.

8. As regards the seventh and eighth paragraphs of your note, there appears to be some difference between the views of the two governments, due perhaps to misunderstanding on one side or

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the company must be given every opportunity to secure a production sufficient to cover in part at least the financial losses incurred as a result of the boycott. The production proposed is, in fact, less than what these two ships produced in 2½ months last year; and, other things being equal, there would have been every chance that they would this year have produced in a three months' season, with seven catchers each, an even larger amount. In any case, however, the quota restriction now proposed is absolute and will thus be at least as effective as any other measure in preventing over-production, the main object which both governments have in view. I would also point out that a continuation of the fishing season beyond the usual date has a relatively small effect on the stock of whales, since the breeding period is by that time well over and climatic conditions usually make it physically impossible to continue operations far into the month of March. In the light of these facts, His Majesty's Government cannot agree to any limitation for these two ships beyond the following restrictions, namely, that they should be limited to seven catchers each, that they should fish only after the 8th December and south of 40 degrees south latitude, and that their total production should be limited to 250,000 barrels.

6. As regards the "New Sevilla", again, His Majesty's Government consider it reasonable that Messrs. Salvesen should have the opportunity of reaching a production figure which will compensate them for the losses which they have incurred through the boycott; and since, as I pointed out in my previous note, Messrs. Salvesen's ships are not registered in this country and are therefore outside the control of His Majesty's Government in

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have no longer power to enforce restrictions, even on those whaling companies whose ships are registered in the United Kingdom. They have naturally been able to exercise pressure on the whaling companies by means of discussion and persuasion; but for the above reason the acceptance of any agreement by all the companies is voluntary. Secondly, two companies, the Southern Whaling and Sealing Company and Messrs. Salvesen, have suffered considerable financial loss owing to the boycott; and their attitude is naturally determined to a large extent by their desire to recover some of this loss.

5. With these considerations in mind, it is possible to turn to a further discussion of the main points at issue. As regards restriction on the "Southern Empress" and "Southern Princess", it is understood that the Norwegian Government would agree that these ships should be allowed seven whale catchers each, instead of the six allotted in the previous Norwegian proposals, provided that their operations were confined to the season 8th December to the 7th March next. According to the proposals contained in my note of the 5th September there would have been no limit to the number of catchers attached to these ships, but the Southern Whaling and Sealing Company are now willing to accept a limit of seven catchers for each of these ships provided that the other restrictions on their operations remain as in my note under reference. The extension of the season for these two ships is necessary, partly because the boycott has delayed the equipment of the company's expeditions to such an extent that they will probably be unable to begin fishing till later than the official opening of the season, and partly because

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the restriction by quotas of the amount of whale oil to be produced and disputed only the total figure proposed for the production of British firms and the method proposed by the Norwegian interests for the division of this quota between the various expeditions. His Majesty's Government have now accepted in principle the fresh basis for restriction proposed by the Norwegian Government, namely, the limitation of whale catchers for each expedition; but it is unfortunately impossible for them, owing to practical difficulties for which they are not responsible, to enforce this system during the coming season in a uniform manner on all whaling ships controlled by British companies. They realise the advantages of a uniform system covering all whaling ships whatever but consider that their last proposals provided for a reasonably fair distribution of production without any serious complication; and they cannot suggest any other method which will equally take account of all the circumstances of the present case.

4. In this connexion I must repeat that it is the considered view of His Majesty's Government that the boycott recently declared by the Norwegian trade unions against British whaling companies has brought into these negotiations a factor of considerable importance which cannot, by any means, be omitted from the considerations affecting the proposed restrictions on whaling for the coming season. The effect of this boycott has been felt in two directions. First, in order to secure its withdrawal His Majesty's Government had, as you are aware, to threaten, and eventually to carry out, the withdrawal of their regulations prescribing a "close season" for Antarctic whaling. These regulations having been withdrawn, His Majesty's Government

have

C O P Y.

FOREIGN OFFICE, S.W.1.

No. W 10702/78/50

9th September, 1936.

Sir,

I have the honour to acknowledge the receipt of your note No. 186/1936 of the 7th September, regarding the question of whaling.

2. I observe with pleasure that a considerable measure of agreement now exists between the Norwegian Government and His Majesty's Government on the measures for the restriction of whaling to be enforced during the coming season; but I regret that the Norwegian Government are at present unable to accept all the proposals advanced in my note to M. Berg of the 5th September, particularly those concerning the regulations for the three factory ships, "Southern Empress", "Southern Princess" and "New Sevilla". Before putting forward further arguments in support of the proposals concerning these ships in my note under reference, it would seem desirable to comment on some points relevant to the background of the negotiations, as summarised in your note.

3. His Majesty's Government, throughout the whole course of these negotiations, have had before them the aim, which they understand to be also that of the Norwegian Government, of protecting the stock of whales and of securing an equitable distribution among the various interests concerned of the opportunities for profit derived from whaling operations. With these aims in view His Majesty's Government accepted in principle

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Monsieur Erik Colban,

etc., etc., etc.

Norwegian Government wish once more to draw attention to the desirability of an agreement subjecting all factory ships to a supervision as proposed in the last paragraph but one of M. Berg's note of the 1st instant.

7. In your note of the 5th instant it is mentioned that the Norwegian factory ships "Roald Amundsen" and "Norskehavet" are excepted from the restrictions on whaling in force south of 40° South latitude. The Norwegian Government assume that it is due to an oversight that a third Norwegian factory ship, "Haugar", which is now carrying on operations, is not included in this group.

8. The Norwegian Government wish further to point out that a settlement will be on the assumption that all factory ships, non-slip or otherwise, have the right to operate anywhere north of 40° South latitude, provided they do not participate in Antarctic operations or receive a compensation for abstention from whaling.

9. Having regard to the above the Norwegian Government agree that a settlement must apply to all expeditions (with the exception of German and Japanese expeditions).

10. The Norwegian Government will ensure that as far as Norwegian expeditions are concerned the proceeds of any oil produced in breach of the agreement will be handed over to the official Norwegian Whaling Fund.

11. The Norwegian Government express the sincere hope that His Britannic Majesty's Government, recognizing that the Norwegian Government have done their utmost in order to meet the British wishes in this difficult situation, will use all their influence with a view to arriving at an agreement in accordance with the proposals set forth above.

I have, etc.
(Sgd.) ERIK COLBAN.

Sealing Company", to consider the possibility of increasing the number of whale catchers attached to the two expeditions of the said company to seven catchers for each expedition. The Norwegian Government would like, however, to draw attention to the fact that they have serious misgivings regarding the consequences of such a course, as it may undermine the principle, and lead to new difficulties. They have particularly in mind the ships sailing under the flags of the Union of South Africa and the Irish Free State.

5. With regard to the "New Sevilla" expedition, the Norwegian Government do not feel that the latter is in an exceptional position so as to entitle it to any special advantages as against other Norwegian and British expeditions of the B class. Moreover, the statement made regarding this company's superior catches during the two last seasons has not in itself any bearing on the question of classification. In the opinion of the Norwegian Government, the common efforts of our two Governments to bring about a friendly arrangement would be hampered, or even rendered inoperative, if one company should have the right to claim special advantages by engaging crews while negotiations are still in progress.

6. My Government note with satisfaction that the British Government have accepted, on principle, their proposal with regard to buoy boats and reserve boats. However, primarily with a view to ensuring a scrupulous observance of the regulations, to which they attach the greatest importance, they would in this respect like to see adopted their proposal as formulated in M. Berg's note No. 181/1936 of the 1st instant. In this connexion, the

Norwegian

"Southern Whaling and Sealing Company", and for Messrs. Salvesen's factory ship "New Sevilla", with regard to the close season regulation, which the said two companies have themselves previously proposed, and which proposal was supported by the British Government. In the note from the British Minister at Oslo to the Norwegian Minister of Foreign Affairs, dated July 7th, 1936, the British Government declared themselves prepared to enact regulations concerning the period of operations subject to conditions set out in that note. In a note of July 30th last the Norwegian Government declared their adherence, on principle, to the limitation of the period of operations to three months, and, as a further measure for the maintenance of the stock of whales, they also proposed a system of individual quotas. As the proposed quota system did not receive the necessary support on the British side, the Norwegian Government, in order to meet the British views, declared themselves prepared to abandon the proposal concerning individual quotas, and to accept a limitation of operations to three months, supplemented, however, with a regulation restricting the number of whale catchers attached to each expedition. The Norwegian Government would in the strongest possible way urge the application of this principle, - to which both Governments have adhered, and which has been accepted by all Norwegian Whaling Companies as well as by 80% of the owners of all factory ships under British flag - to all whaling expeditions, the three above-mentioned expeditions not excepted. However, in order to arrive at a settlement, the Norwegian Government are disposed, in view of the privileged position hitherto enjoyed by the "Southern Whaling and

Sealing

C O P Y.

(W 10702/78/50)
No. 186/1936.

ROYAL NORWEGIAN LEGATION,
LONDON.

7th September, 1936.

Sir,

I have the honour to acknowledge the receipt of your note to M. Berg No. W 10401/78/50 of the 5th instant regarding the question of restriction of whaling.

2. The Norwegian Government note with satisfaction that His Britannic Majesty's Government have accepted their proposal with regard to the limitation of the period of operations as well as to the number of whale catchers, as far as the following factory ships are concerned:

"Terje Viken",
"Svend Foyn",
"Salvestria",
"Sourabaya",
"Hectoria",
"Polar Chief".

3. The Norwegian Government also note that the two Governments are agreed upon a limitation of operations to the area south of 40° South latitude for the above mentioned as well as for all other factory ships under British flag.

4. The Norwegian Government note, however, with regret that it is now desired to make an exception for the two factory ships, "Southern Princess" and "Southern Empress", belonging to the

"Southern

The Right Honourable
Anthony Eden, M.C., M.P.,
etc., etc., etc.

by restrictions of the kind proposed, is a proof of the conciliatory spirit shown by the British companies. The companies, for their part, feel entitled to expect that in return for their acceptance of these restrictions no further difficulties will be placed in the way of their operating their expeditions to the best possible advantage.

I have, etc.

(For the Secretary of State)

(Sgd.) Laurence Collier.

catchers set out in the last proposals from the Norwegian Government, and upon the conclusion of a satisfactory arrangement for the disposal of the proceeds of any oil produced in breach of the agreement.

(viii) The proposals applies only to baleen whales.

3. I would express the earnest hope that the Norwegian Government may see their way to accept these proposals, which seem to His Majesty's Government to be entirely reasonable and to offer a satisfactory basis for a settlement fair to all the interests concerned. I must also point out that it has been necessary for His Majesty's Government to exercise very considerable pressure on the individual British whaling companies to induce them to agree to these proposals being made, as the precipitate action of the Norwegian Trade Unions in placing a boycott on British expeditions in advance of the Norwegian Government's reply to proposals from His Majesty's Government has made it extremely difficult to secure any concessions from the companies who have suffered most from that boycott. It is indeed the boycott and its effects which have made it reasonable that the two British companies most affected thereby, the Southern Whaling and Sealing Company and Messrs. Salvesen, should be permitted to recoup themselves for their losses by securing the right to a slightly greater production of oil than that to which they might otherwise have agreed. Even this, however, will not place these British companies in the same position in which they would have been before the boycott.

4. I would observe in this connexion that the fact that Messrs. Salvesen, whose factory ships are not registered in the United Kingdom are, nevertheless, willing to be bound

by

fish south of 40^o South latitude, and would cease operations on 7th March next.

(iv) The proposals regarding land stations remain as previously agreed upon, i.e. only two land stations, including Leith Harbour, shall be operated, and these shall not produce more than 65,000 barrels each.

(v) In the case of those factory ships to which a specific number of catchers has been allotted, no additional catchers may at any time be used to hunt, tow or hold whales, or to reconnoitre for the expedition. If a reserve or other catcher is exchanged for an operating catcher, this shall be immediately notified.

(vi) The above proposals are subject to the agreement of the Norwegian Government and of all companies operating during the Antarctic season (with the exception of the German and Japanese expeditions) that, with the exception of the "Southern Princess", and "Southern Empress" (which shall be permitted to continue fishing after 7th March next until the quota allotted to them has been reached), no floating factory whatever nor any whale catcher operating south of 40^o South latitude during the season of 1936 - 37 shall operate south of the Equator after 7th March next until the beginning of the next Antarctic season, with the exception of the Norwegian floating factories "Roald Amundsen" and "Norskehavet", which may so operate on condition that they remain non-slip factories.

(vii) The whole agreement is conditional upon the owner of all floating factories (other than the Southern Empress, Southern Princess and New Sevilla) accepting the restrictions with regard to the "close season" and the number of whale catchers

All these ships would only operate from 8th December to 7th March next, south of 40° South latitude. (The Star Whaling Company have not yet given their consent to this proposal in respect of the factory ships "Svend Foyn" and "Polar Chief", owing to the absence from London of their principals.)

(ii) The Southern Whaling and Sealing Company, however, are unable to accept the method of classification proposed and would prefer a restriction on the total number of barrels to be produced by their ships, with a similar restriction of their operations to the area south of 40° South latitude. It is proposed that the limit on production should be 250,000 barrels for the two ships "Southern Princess" and "Southern Empress", which would not start fishing before 8th December next. It will be noted that this amount represents a reduction of 10,000 barrels on the amount accepted by the Company last year.

(iii) Messrs. Salvesen's ship "New Sevilla" is on the point of departure for the whaling grounds, her crew having already been engaged. This ship therefore cannot be prevented from fishing before 8th December next. Nor can Messrs. Salvesen accept a limit of six whale-catchers for this ship as proposed by the Norwegian Government. Her average production in the past two years, on the basis of a three months' season, i.e. 110,000 barrels, justifies her transference from class B to class A, i.e. from six to seven whale-catchers. On this condition her total production would be limited for the coming season to 110,000 barrels, and she would only fish

COPY.

No. W 10401/78/50

FOREIGN OFFICE, S.W. 1.

5th September, 1936.

Sir,

I have the honour to acknowledge the receipt of your note No. 182/1936 of 3rd September regarding the question of whaling.

2. I note with great satisfaction that the boycott declared by the Norwegian Trade Unions against the British whaling companies has been withdrawn. In these circumstances, it has been possible to consider in detail with the British interests concerned the latest proposals of the Norwegian Government for the restriction of whaling, as set out in the note No. 181/1936 which you were so good as to address to me on 1st September; and I am now in a position to put forward the following amendments to those proposals:-

(1) His Majesty's Government accept the proposals of the Norwegian Government as a basis for negotiation and, subject to the conditions noted below (please see sections (vi) and (vii)), they accept the limitation proposed for the following factory ships:

"Terje Viken"	7	whale	catchers;
"Svend Foyn"	7	"	"
"Salvestria"	6	"	"
"Sourabaya"	6	"	"
"Hectoria"	6	"	"
"Polar Chief"	5	"	"

All

Monsieur Hans C. Berg,
etc., etc., etc.

P.M. 104/5

DOMINIONS OFFICE,
Downing Street.

UNION OF SOUTH AFRICA
Circular despatch B. No. 130

30th September, 1936.

CONFIDENTIAL.



Sir,

With reference to my Confidential Circular despatch B. No. 123 of the 10th September, I have the honour to transmit the accompanying copy of correspondence with the Norwegian Chargé d'Affaires on the subject of whaling.

5.9.36.
7.9.36.
9.9.36.
17.9.36.
12.9.36.
12.9.36.

I have the honour to be,

Sir,

Your most obedient,
humble Servant,

Malcolm MacDonald

P22/10

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Gestuur aan *Handel en Nywerheid*
Bevoegd
vir informasie
afhandeling
Datum *2/10/36* Paraaf. *JRB*

WHALING INDUSTRY (REGULATION) ACT, 1934.

Licence of the Board of Trade for ship engaged in treating Whales issued on behalf of the Board of Trade by the Ministry of Agriculture and Fisheries or the Fishery Board for Scotland.

Pursuant to the provisions of the Whaling Industry (Regulation) Act, 1934, authority is hereby granted to Messrs.

Owners/Charterers of the ship to use the said ship for treating whales outside the coastal waters of the United Kingdom, subject to the provisions of the said Act and to the Regulations made thereunder and to the following conditions:—

1. The master or person in charge of the ship shall keep the records prescribed in rules 5 and 6 of the Whaling Industry (Ship) Regulations, 1936.

2. The master or person in charge of the ship shall transmit the said records in accordance with rule 7 of the said Regulations.

3. The plant in the ship for the extraction of oil from the blubber, flesh and bones of whales, the type of which is hereby approved, shall be kept in good order and operated efficiently.

4. Except in the case of whales or parts of whales intended for human food, the oil shall be extracted by boiling or otherwise from all blubber meat and bones other than the internal organs, whalebone and flippers of all whales delivered to the ship, provided that the treating of the meat of the back from the head to a point on the back opposite to the outer orifice of the rectum may be omitted.

5. There shall not at any time be delivered to the ship a greater number of whales than can be treated by the plant therein within a period of thirty-six hours efficiently and in accordance with condition 4 hereof.

This licence shall take effect from the day of , and unless previously cancelled shall continue in force until the day of .

LONDON

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Datum 2/10/36 Paraaf. *GRB*

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

7. The master or person in charge of every ship used for treating whales shall at the earliest possible opportunity after the conclusion of the whaling operations of each season send the said records either directly or through the owners or charterers of the ship to the Ministry of Agriculture and Fisheries, 43, Parliament Street, London, S.W.1, or to the Fishery Board for Scotland, 101, George Street, Edinburgh, for transmission to the Board of Trade.

8. The sum to be paid pursuant to Section 8, subsection 2 of the said Act by a Whale Fishery Inspector to the master of a ship in respect of each day on which he is provided with subsistence and accommodation on board the said ship, shall be five shillings.

9. These Regulations may be cited as the Whaling Industry (Ship) Regulations, 1936.

10. The Whaling Industry (Ship) Regulations, 1935, (a) are hereby revoked.

Dated this 1st day of September, 1936.

E. J. Foley,

An Under Secretary to the Board of Trade.

SCHEDULE.

WHALING INDUSTRY (REGULATION) ACT, 1934.

Licence of the Board of Trade for ship used for taking Whales issued on behalf of the Board of Trade by the Ministry of Agriculture and Fisheries or the Fishery Board for Scotland.

Pursuant to the provisions of the Whaling Industry (Regulation) Act, 1934, authority is hereby granted to Messrs.

Owners/Charterers of the ship for the use of the said ship for the purpose of taking whales outside the coastal waters of the United Kingdom, subject to the provisions of the said Act and to the Regulations made thereunder and to the following condition, viz.:-

The remuneration of the gunners and crew of the ship must, so far as calculated by reference to the results of their work, be calculated by reference to the size, species, oil-yield and value of the whales taken, and in such manner as to exclude remuneration in respect of any whale the taking of which is prohibited by the said Act.

This licence shall take effect from the day of , and unless previously cancelled shall continue in force until the day of

(a) S.R. & O. 1935 (No. 885) p. 468

OFFICE,

g Street.

September, 1936.



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Datum Paraal. JRB

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA.

2. Any application for a licence shall be made in writing, by the owners or charterers of ships, and shall be sent with the amount of the licence fee to the Ministry of Agriculture and Fisheries, 43, Parliament Street, London, S.W.1, or to the Fishery Board for Scotland, Edinburgh.

3. The fees to be paid in respect of the granting of licences for the use of ships shall be—

(a) In the case of a licence authorising the use of a ship for treating whales the sum of £100 and

(b) in the case of a licence authorising the use of a ship for taking whales the sum of £50.

Provided that where in addition to the licence granted under the Act a licence has been granted in respect of any ship for taking whales in the coastal waters of Newfoundland or any Colony, there shall be deducted from the sum specified in paragraph (b) one-half thereof.

4. Every licence shall be in such one of the forms set out in the Schedule to these Regulations as is appropriate to the case.

5. For the purpose of Section 6, subsection 2, of the Act the master or person in charge of every ship used for treating whales shall keep a record, on forms to be provided by the Board of Trade, of the following particulars regarding each whale treated in the ship, viz. :—

- The date when and the position where the whale was taken.
- The species and sex of the whale.
- The length measured in accordance with rule 1 hereof.
- Whether the whale contained a foetus or foetuses.
- The length of foetus or foetuses (if any) found in the whale.
- Whether the whale was producing milk.

Such records shall be arranged so far as possible in the chronological order of the taking of the whales.

6. The master or person in charge of every ship used for treating whales shall also keep a record on forms to be provided by the Board of Trade containing the following particulars of operations carried on in or in connection with the ship, viz. :—

For each day—

- The number of whales of each species delivered to the ship.
- The number of whales treated.
- The yield of oil of each grade produced, and

For each week—

- The quantity produced, if any, of meal, guano or other products specified separately.

OFFICE,
Street.

September, 1936.



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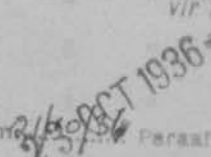
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THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Datum 2/10/36 Persaal JRB



STATUTORY RULES AND ORDERS

1936 No. 856

FISHERIES
Whaling Industry

THE WHALING INDUSTRY (SHIP) REGULATIONS, 1936, DATED SEPTEMBER 1, 1936, MADE BY THE BOARD OF TRADE UNDER THE WHALING INDUSTRY (REGULATION) ACT, 1934 (24 & 25 GEO. 5. c. 49).

Whereas it is provided by the Whaling Industry (Regulation) Act, 1934 (hereinafter referred to as "the Act") that the Board of Trade after consultation with the Minister of Agriculture and Fisheries and the Secretary of State for Scotland may in relation to ships make Regulations prescribing—

- (a) The sizes of whales which may be killed or taken;
- (b) the manner in which applications for licences are to be made;
- (c) the forms of licences;
- (d) the fees to be paid for licences; and
- (e) the records to be kept in ships used for treating whales, the person by whom they are to be kept and the times and manner of their transmission to the licensing authority.

And further that the Board of Trade after consultation as aforesaid and with the approval of the Treasury may make Regulations prescribing the sums to be paid by Whale Fishery Inspectors for subsistence and accommodation provided for them in ships used for treating whales.

Now therefore the Board of Trade in pursuance of the powers conferred upon them by the Act and after such consultation and with such approval as aforesaid hereby make in relation to ships the following Regulations:—

1. For the purposes of Section 3 of the Act a Blue Whale shall be deemed to be immature if it is of less length than 60 feet and a Fin Whale shall be deemed to be immature if it is of less length than 50 feet, such length in each case being the distance measured on the level in a straight line between the extreme point of the snout and the notch of the tail.

OFFICE,
g Street.

September, 1936.



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15 OCT 1936

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA.

Datum 2/10/36 Paraal. *JRB*

P.M. 10/15

DUPLICATE
ORIGINAL SENT BY AIR MAIL

UNION OF SOUTH AFRICA
Circular despatch A. No. 11

DOMINIONS OFFICE,
Downing Street.
18 September, 1936.



*Teles
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13/10*

Sir,

With reference to my Circular telegram B. No. 151 of the 2nd September, I have the honour to transmit the accompanying copies of the Whaling Industry (Ship) Regulations, 1936, dated September 1st, 1936, made by the Board of Trade under the Whaling Industry (Regulation) Act, 1934.

2. These regulations replace those enclosed in my predecessor's Circular despatch A. No. 16 of the 20th September, 1935.

I have the honour to be,

Sir,

Your most obedient,
humble Servant,

(SIGNED) MALCOLM MAC DONALD.

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Bestuur aan *Handel en Nyeleid*

oewagting
vir informasie
afhandeling

*F
P22/10 (below)*

OCT 1936
Datum *14/10/36* Parasi *gJB*

COPY: 3

DRAFT
TRANSLATION

ROYAL RESOLUTION.

The under-mentioned sections of the regulations for the capture of baleen whales, laid down by Royal Resolution of June 21st, 1935, shall hereafter read as follows:

§1. The capture of baleen whales south of 40° south latitude must take place only in the period December 8th to March 7th, both days inclusive. The capture of blue whales and fin whales in the area from the Equator to 40° south latitude is likewise prohibited during the period March 8th to December 7th.

§2. As at present, with the following new paragraph:

The Ministry of Commerce may decide how many catching vessels (whaling boats) each expedition may employ.

§12. A due of Kr.1 per barrel (of 170 kilogrammes) is to be paid on all oil which is produced. The due is to be paid to the Ministry of Commerce at the end of the whaling season, at the latest by the 1st August. Of the due, 80 ore per barrel is to be allocated to the security fund referred to in the whaling law of July 16th, 1936.

September 25th, 1936.

COPY:

Nº 403.E.
(1128/381)

BRITISH LEGATION,
OSLO.

5th October, 1936.

Sir,

I have the honour to transmit to you the accompanying translation of a royal resolution of the 25th September introducing certain amendments regarding whaling, the first two rendered necessary by the agreement recently reached with His Majesty's Government, in the Norwegian regulations of the 21st June, 1935, a translation of which was enclosed in my despatch Nº 286 of the 5th July, 1935. A translation of the law of the 16th July, 1936, referred to in the last sentence of the resolution, was sent to you under cover of my despatch Nº 331 E of the 31st August.

2. The new decree provides that:

(a) South of latitude 40° no baleen whales shall be captured except during the season 8th December to 7th March, inclusive, and

(b) Between the Equator and latitude 40° no blue or fin whales shall be captured except during the same season.

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

I have, etc.,

(Signed) CECIL DORMER.

The Right Honourable

Anthony Eden, M.C., M.P.,
etc., etc., etc.

PM 107/5



Telephone: WHITEHALL 4488.
(7 LINES)
Telegraphic Address:—
"OPPOSITELY, LESQUARE, LONDON"

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

13th November, 1936.

19/88/1.

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



✓
I am directed by the High Commissioner to transmit the accompanying copies of a letter, dated the 5th October, 1936, with annexure, addressed to the Secretary of State for Foreign Affairs by H.M. Minister at Oslo, on the subject of Norwegian Legislation on Whaling.

This correspondence has been made available to the High Commissioner by the courtesy of the Dominions Office.

Emil Thom

ACTING POLITICAL SECRETARY.

Gestuur aan Handel en Nywerheid
vir inligting

Datum 3/12/36 Paraat JRB.....

F

TELEGRAM

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

7th January, 1937.

1936

Circular Telegram B. No. 4. Norwegian Minister has enquired unofficially whether in the event of an International Conference being arranged to take place at Oslo at the end of February or the beginning of March to discuss the question of future International regulations for whaling His Majesty's Government in the United Kingdom and the Dominions would be willing to participate. The Governments of other countries interested in whaling such as Germany and Japan would also be invited. In the event of any Dominion Government wishing to take part the Norwegian Government would issue a formal invitation in due course through diplomatic channels.

I should be glad to learn what reply it is desired should be made to the Norwegian Minister so far as your Government is concerned.

ASST. SECRETARY

Handed on Nyweid

3/12/36 JRB

*Clear for his use
7/1/37*

P.M. 107/5
- 4-7-1937
DEPARTMENT OF EXTERNAL AFFAIRS

TELEGRAM.

FROM: Secretary of State for Dominion Affairs, London.

TO: Minister of External Affairs, Capetown.

7th January, 1937.

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I should be glad to learn what reply it is desired should be made to the Norwegian Minister so far as your Government is concerned.

pd. to C.S. for com.

*Phoned. Matthe
now before Minister.
Reply to be expected
next week.*

*Ms.
23.1.37.*

*Ms.
9.1.37*

P.19.1.37.

*Letter from C.S. due
today. Let me have it
right away pl.*

*Ms.
28.1.37.*

Telegraphic Address } "NYWERCOM."
Telegramadres }



All communications to be addressed
to the Secretary.

Adressee asb. alle brieue aan die
Sekretaris.

In reply please quote
Verwys in antwoord asb. na.

No. C.I.
No. H.N.

181

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

DEPARTMENT OF COMMERCE AND INDUSTRIES,
DEPARTEMENT VAN HANDEL EN NYWERHEID.

MARKS BUILDING, 75 PARLIAMENT STREET.
MARKSGEBOU, 75 PARLEMENTSTRAAT.

CAPE TOWN
KAAPSTAD 28th January, 1937.

THE SECRETARY FOR EXTERNAL AFFAIRS : CAPE TOWN.

International Regulations for Whaling: Proposed
Conference.

With reference to a telegram from the Secretary of State for Dominion Affairs, dated the 7th instant, I beg to inform you that, having regard to the questions that will form the subject of discussion at the proposed conference, it would be advantageous if the Union were represented.

2. Full representation is not, however, called for, and it is thought that the appointment of an official who could act as "Observer" on behalf of the Union would meet requirements.

3. I would suggest that, subject to acceptance of the foregoing view, arrangements be made through the Minister at Berlin for the attendance at the conference, in the capacity indicated, of the Legation Secretary at Stockholm.

SECRETARY FOR COMMERCE AND INDUSTRIES.

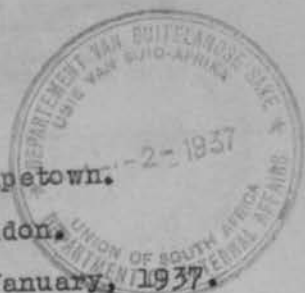
P.M. 104/5.

TELEGRAM.

FROM: Minister of External Affairs, Capetown.

TO: Te Water, High Commissioner, London.

30th January, 1937.



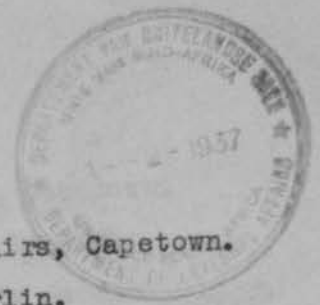
No. 325. Reference Circular Telegram B. No. 4. of 7th January from Secretary of State for Dominion Affairs. Please inform Norwegian Minister that Union Government feel that questions for discussion do not warrant full representation at the Conference regarding future International Whaling Regulations. If Conference is held Union would however send observer. Please advise British Government.

pd. E.C.A.
12.37.

F

P.M. 107/5.

TELEGRAM.



FROM: Secretary for External Affairs, Capetown.
TO: South African Legation, Berlin.

30th January, 1937.

No. 2. Norwegian Government are endeavouring to arrange an International Conference at Oslo at end of February or beginning March on question of future international whaling regulations. Invitation has been received to participate but it is felt that observer would meet our requirements. Please arrange for Legation Secretary, Stockholm, to hold himself in readiness pending further instructions to proceed to Oslo at time indicated.

Ad. E. C. A.
1-2-37.

[Handwritten signature]

P. 8237.

AM.107/5

UNION OF SOUTH AFRICA

Circular despatch B No. 20

CONFIDENTIAL

Downing Street,

10 February, 1937.



Sir,

With reference to my Confidential Circular despatch B No. 130 of the 30th September, I have the October 6, 1936. honour to transmit the accompanying Confidential Memorandum on the Whaling dispute with Norway.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Malcolm MacDonald

THE MINISTER OF EXTERNAL AFFAIRS

UNION OF SOUTH AFRICA.

1) Mrs. de Plessis.
via u. indij. asb.
2) F 4/3 (for ocean mail copies)



My Government feel that an effort should be made to avoid the occurrence of such a regrettable state of affairs. I have, therefore, been asked to consult you upon the matter. I shall myself be absent from Cape Town for three or four days, but, perhaps, it could be arranged for one of the officials concerned to discuss the matter with my Political Secretary, Mr Antrobus. You will appreciate that this question is of considerable urgency, since the "Tafelberg" will presumably be returning from the Antarctic shortly after the end of the whaling season on March 7th.

I have the honour to be,

Sir,

Your obedient servant,

W. H. Clark.

High Commissioner.

While my Government, of course, appreciate that the Union Government were not a party to the agreement of September the 12th, it is understood that the Managing Director of the Kerguelen Company, which, presumably, fishes under a permit from the Union authorities, was in Norway during the period when the negotiations were in train and was aware of their purport. On the conclusion of the agreement, the Company were understood to have signified their general acceptance of its terms. You will be aware that these also include the proposal that inspectors should be carried on all whaling-ships, and it is understood that the Company, with the consent of the Union Government (see your telegram No. 15 of the 28th September last), has accepted the proposal and actually has an inspector on board the S.S. "Tafelberg". It is, therefore, hoped that the Company will continue to abide by all the terms of the agreement, particularly with regard to the question of whaling north of latitude 40° south. You will appreciate that if the Kerguelen Company does not abide by the agreement, there is the danger that other enterprises may also repudiate it with unfortunate results to the policy of maintaining the stock of whales and to the whaling industry generally. My Government, indeed, have been informed that one company has already intimated that it would consider itself free from the obligations of the agreement if the Kerguelen Company were to persist in its reported intention; and it seems certain that, in that event, other companies would follow suit.

P.M. 104/5

OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM

CAPE TOWN.

23rd February, 1937



Sir,

In his confidential circular despatch B. No. 130 of the 30th of September last, the Secretary of State for Dominion Affairs transmitted to you copies of correspondence exchanged with the Norwegian representative in London, on the subject of whaling, and constituting an agreement reached between the two Governments. The terms of this agreement provide, inter alia, that no factory ship or whale-catcher operating south of latitude 40° south during the 1936-37 season shall be used for catching or treating baleen whales in the area between the equator and 40° South after March 7th until the commencement of the next Antarctic season.

*urgent.
Leprieux*

His Majesty's Government in the United Kingdom have now received reports which indicate that the Kerguelen Sealing and Whaling Company may be considering the use, after March the 7th, in connexion with their land station at Saldanha Bay, of thirteen whale catchers, of which eight are at present operating with the factory ship "Tafelberg" in the Antarctic.

*Dr. Mervick
P. 287/37.*

*M. to C. St. for cons.
24.2.37*

While

THE MINISTER
OF EXTERNAL AFFAIRS.

P.M. 107/5

PRIMESEC

PRIMESEC

PRETORIA



No. 28
Please despatch P.M.107/5

[Signature]
Secretary for External Affairs,
Capetown. 24.2.37.

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Dr. Mentch
P. 28/2/37.

M. to C. St. for cons.
[Signature]
24.2.37.

While

THE MINISTER
OF EXTERNAL AFFAIRS.

T. 27. POST OFFICE TELEGRAPHS.—POS-TELEGRAAFDIENS.

G.P. 5.254—1935—50.

Traffic Serial No. Verkeers reeknommer 107/5 +	at— Ingelievre to— Woorde, w. Words. Datum. Time of Handing in. Tyd van Inlewing. JUN 4 1937 STR CAPE TOWN 10 3/20PM GOVT	Date. Datum. 25-2-1937	Office. Kantoor. DEPARTMENT VAN BUITELANDSE SAKE * SAKE UNION OF SOUTH AFRICA DEPARTMENT OF EXTERNAL AFFAIRS
Route— Route— Service Instructions— Service Instrukties—	DEPARTMENT VAN BUITELANDSE SAKE * SAKE UNION OF SOUTH AFRICA DEPARTMENT OF EXTERNAL AFFAIRS 25-2-1937		
Received Ontvang As Om From Van By Door	TO AAK + PRINSESC PRETORIA *	Sent—Oorgestuur. As Om To Na By Door	

NO 28 PLEASE DESPATCH P N 107/5 *

Records.

The attach papers ~~are~~ in C.T. & pasted in.

PRINSESC *

1/3/37. P. 6/3/37. (26/3/37)

Doubtful words may be repeated. The Expedition Fee will be refunded if error is disclosed. This form should accompany any inquiry. Teylogiese woorde kan herhaal word. Indien een 'n aansoek te wyte, word die heste van die herhalings toegestaan. Hierdie vorm moet alle ekspedisie vergoed.

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the next Antarctic season.

Dr. Merck
P. 28/2/37.

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M. to C. O. for cons.
W. 2. 37.

While

THE MINISTER
OF EXTERNAL AFFAIRS.

WN/WK.

P.M. 107/5.

KAAPSTAD,

10 Maart 1937.

13 MAR 1937

DIE SEKRETARIS VAN HANDEL EN NYWERHEID.

*Receivd
To attend
paper...*

Ek sluit hierby in 'n afskrif
van 'n vertroulike depêche van die Britse Staat-
sekretaris van Vrygewestelike Sake met bylae,
in verband met die geskil tussen die Britse en
Noorweegse Regerings oor die walvisvangs.
Aangesien die bylae die enigste afskrif is wat
hierdie Departement besit, sal ek bly wees as u
dit na insae weer aan my sal terug besorg.

*afg
11/3.*

WILLEM GOUDT J. O. H.
SEKRETARIS VAN BUITELANDSE SAKE.

to discuss the matter with my Political Secretary, Mr. Antrobus. You will appreciate that this question is of considerable urgency, since the "Tafelberg" will presumably be returning from the Antarctic shortly after the end of the whaling season on March 7th.

I have the honour to be,
Sir,
Your obedient servant,

(Sgd.) W. H. Clark.

HIGH COMMISSIONER.

OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM.

CAPE TOWN.

23rd February, 1937.

Sir,

In his confidential circular despatch B. No. 130 of the 30th of September last, the Secretary of State for Dominion Affairs transmitted to you copies of correspondence exchanged with the Norwegian representative in London, on the subject of whaling, and constituting an agreement reached between the two Governments. The terms of this agreement provide, inter alia, that no factory ship or whale-catcher operating south of latitude 40° south during the 1936-37 season shall be used for catching or treating baleen whales in the area between the equator and 40° South after March 7th until the commencement of the next Antarctic season.

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While my Government, of course, appreciate that the Union Government were not a party to the agreement of September the 12th, it is understood that the Managing Director of the Kerguelen Company, which, presumably, fishes under a permit from the Union authorities, was in Norway during the period when the negotiations were in train and was aware of their purport. On the conclusion of the agreement, the Company were understood to have signified their general acceptance of its terms. You will be aware that these also include the proposal that inspectors should be carried on all whaling-ships, and it is understood that the Company, with the consent of the Union Government (see your telegram No. 15 of the 28th September last), has accepted the proposal and actually has an inspector on board the S.S. "Tafelberg". It is, therefore, hoped that the Company will continue to abide by all the terms of the agreement, particularly with regard to the question of whaling north of latitude 40° south. You will appreciate that if the Kerguelen Company does not abide by the agreement, there is the danger that other enterprises may also repudiate it with unfortunate results to the policy of maintaining the stock of whales and to the whaling industry generally. My Government, indeed, have been informed that one company has already intimated that it would consider itself free from the obligations of the agreement if the Kerguelen Company were to persist in its reported intention; and it seems certain that, in that event, other companies would follow suit.

My Government feel that an effort should be made to avoid the occurrence of such a regrettable state of affairs. I have, therefore, been asked to consult you upon the matter. I shall myself be absent from Capetown for three or four days, but, perhaps, it could be arranged for one of the officials concerned

THE MINISTER OF EXTERNAL AFFAIRS.

COPY/BK.

OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM.

CAPETOWN.

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THE MINISTER OF EXTERNAL AFFAIRS.

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I have the honour to be,
Sir,
Your obedient servant,

(Sgd.) W. H. Clark.

HIGH COMMISSIONER.

COPY/BK.

OFFICE OF THE HIGH COMMISSIONER
FOR THE UNITED KINGDOM.

CAPETOWN.

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THE MINISTER OF EXTERNAL AFFAIRS.

KAAPSTAD,

DRINGEND.

10 Maart 1937.

13 MAR 1937

DIE SEKRETARIS VAN HANDEL EN NYWERHEID.

Ek het die eer om te verwys na 'n brief van 23 Februarie van die Britse Hoë Kommissaris in verband met die Antarktiese seisoen wat op 7 Maart begin het. 'n Afskrif van hierdie brief is op 24 Februarie aan u vir oorweging gestuur.

Die Minister van Buitelandse Sake sal bly wees om so spoedig moontlik van u te verneem watter antwoord, na die mening van u Minister, aan die Britse Hoë Kommissaris in verband met sy vertoë gestuur moet word.

SEKRETARIS VAN BUITELANDSE SAKE.

11/3

Prof. van der Merwe

met H. van der Merwe gemaak.

My Government feel that an effort should be made to avert the occurrence of such a regrettable state of affairs. It has, therefore, been asked to consult you upon the matter. I shall speak to about four Captains for three or four days, perhaps, it could be arranged for one of the officials...

C O P Y:

Confidential.

W.1/4.

DOMINIONS OFFICE,

Downing Street, S. W. 1.

19th February, 1937.

Dear Scallan,

I am writing to you, as Horn's successor, about certain further points arising out of the whaling agreement reached between the United Kingdom and Norwegian Governments in September of 1936, regarding the whaling season 1936-37. In this connection please see Dominions Office Confidential Circular telegram B. No 155, a copy of which was sent to Horn on the 16th September last.

Since that telegram was sent, doubt has been expressed in regard to the exact interpretation of the conditions under which spare whale catchers may be substituted for whale catchers normally in use with each expedition.

We have now ascertained that the Norwegian Government concurs in the view held by the United Kingdom Government that such substitution is only justified in cases where one of the ordinary whale catchers is out of action through damage or accident, and that it cannot be extended to cover cases where one of the ordinary vessels is only temporarily out of action for a purpose normally incidental to the use of that vessel, e.g. boiler cleaning.

It has been further agreed between the two Governments that the use of reserve whale catchers for scouting for, hunting, towing, or taking sperm whales is also a breach of the agreement, unless such catcher is for the time being in use in substitution for one of the ordinary whale catchers which is out of action owing to damage or accident of the kind specified above.

If your Government see no objection, we would be glad if the views of the two Governments on these matters could be conveyed to Messrs. Irvin and Johnson Limited, of Capetown, for their information.

Yours sincerely,

(Signed) Stuart MacLeod.

LM

P.M. 107/5



Telephone: WHITEHALL 4488.
Telegraphic Address:—
"OPPOSITELY, LESQUARE, LONDON."

UNION OF SOUTH AFRICA.

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

File in c.T.

24th February, 1937.

19/88/1.

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



I have the honour, by direction of
the High Commissioner, to enclose, for your
information and necessary action, a copy of
confidential letter, dated 19th February, 1937,
(No W.1/4) from the Dominions Office on the
subject of the whaling agreement reached between
the United Kingdom and Norwegian Governments in
September, 1936, regarding the whaling season,
1936 - 37.

*W. S. ...
reception ...
...
...
...
...
...*

Heallen

ACTING POLITICAL SECRETARY.

*pd. to C.P.
for info. succ. action.*

*Dr. ...
the use of ...*

19/3/37

Leeward Islands -

Antigua
Dominica
Montserrat
St. Christopher and Nevis
Virgin Islands

Malay States -

(a) Federated Malay States -
Negri Sembilan
Pahang
Perak
Selangor
(b) Unfederated Malay States -
Johore
Kedah
Kelantan
Perlis
Trengganu; and
Brunei

Malta

Mauritius

Nigeria -

(a) Colony
(b) Protectorate
(c) Cameroons under
British Mandate

North Borneo, State of
Palestine (Excluding Trans-
Jordan)

St. Helena and Ascension

Sarawak

Seychelles

Sierra Leone (Colony and
Protectorate)

Somaliland Protectorate

Straits Settlements

Tanganyika Territory

Tonga

Trinidad and Tobago

Windward Islands -

Grenada

St. Lucia

St. Vincent


Zanzibar Protectorate

This notification was received by the Secretariat of the League of Nations on February 17th, 1937.

I have the honour to be, Sir,

Your obedient Servant,

For the Secretary-General,


Legal Adviser of the Secretariat.