

P.M. 107/5

Royal Norwegian Consulate-General

Cape Town, November 11th, 1937.

Jnr. 1688/37.



Sir,

By letter of the 9th ultimo I had the honour to advise you that the Norwegian Government had ratified the Agreement for the Regulation of Whaling signed in London on the 8th June 1937 and that the necessary amendments in the Norwegian Whaling Act had been put into force.

- ./.
 - ./.
- Referring to this letter I beg to enclose a copy of the Norwegian Whaling Act as amended (latest by Act of 25th June 1937) and a copy of the Regulations issued in conformity with the Act.

I take this opportunity to express to you that the Norwegian Government would appreciate to be kept informed about the steps that might be taken by the Union of South Africa in connection with the Whaling Agreement (such as possible amendments in the existing whaling Act or the issue of new Regulations).

I have the honour to be,

Sir,

Your obedient Servant,

T. Seippel

T. Seippel.
Consul General.

Subjekt: Appellat. 16.11.37
Bylag gestuurd na Handel in Wapsteren
Handel in Wapsteren
 Besluit van de Raad van Bestuur van de Kamer van Koophandel en Fabriek van de Kaapstadse Districte Oorlogsmagazijn voor de Kaapstadse Districte Oorlogsmagazijn
 Datum 16.11.37 Paraaf

The Secretary for External Affairs,

PRETORIA.

P.M. 107/5.

PRETORIA,

16th November, 1937.

17 NOV 1937

Sir,

By letter of the 9th ult. I had the honour to advise you that the Norwegian Government had notified the Agreement for the Regulation of Whaling.

Sir,

I have the honour to refer to your letter No. Jnr. 1688/37 of the 11th November, 1937, and to thank you for your kindness in furnishing me with a copy of the Norwegian Whaling Act, as amended, and a copy of the Regulations issued in conformity with the Act.

Referring to the final paragraph of your letter, I have the honour to inform you that your Government will be duly advised of any decision taken by the Union Government in connection with the Agreement for the Regulation of Whaling which was signed in London on the 8th June, 1937.

17/11

I have the honour to be,

Sir,

Your obedient servant,

E. R. BOTHA

SECRETARY FOR EXTERNAL AFFAIRS.

407-29/12/37

The Consul-General for Norway,
Royal Norwegian Consulate-General,
CAPETOWN.

HW/WK.

P.M. 107/5.

PRETORIA.

30 November 1937.

DEC 1937

DIE SEKRETARIS VAN HANDEL & NYWERHEID.

Met verwysing na u diensbrief No. 404/60 van 17 September 1937, en die telegram daarbygevoeg, sal ek blywees om te verneem of enige verder besluit geneem is in verband met die ratifikasie van die Internasionale Ooreenkoms ter regulering van die Walvisvangs, geteken te Londen op 8 Julie 1937.

Handwritten signature/initials

A. M.

SEKRETARIS VAN BUITELANDSE SAKE.

Your obedient servant,

JJ/BK

The Secretary of Trade and Industry,
Pretoria.

P.M. 107/5/005

UNION OF SOUTH AFRICA

Downing Street,

Circular despatch A. No. 19

25 November, 1937.



Sir,

With reference to my despatch No.99 of the 14th September, I have the honour to state that the instruments of ratification in respect of the United Kingdom, Norway and Germany of the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937, were deposited in the archives of the Foreign Office on the 25th October, 29th October and 5th November, 1937, respectively.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

William MacDonald

30/3
12/10/38
P 20/11/38
5/12/38
for a ratification of
indec.

Gestuur aan *H d N*
oorweging
vir informasie
afhandeling

Datum *7/12/37* Paraaf.....

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Telegramadres
Telegraphic Address

"NYWERHEID"



Adressor asb. alle briewe aan die
Sekretaris.
All communications to be addressed
to the Secretary.

Verwys in antwoord asb. na
In reply please quote

No. H.N. 404/60.
No. C.I.

P.M. 107/5 (om)
C.I. 1.

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

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

MUTUALGEBOU, KERKPLEIN,
MUTUAL BUILDING, CHURCH SQUARE,

PRETORIA 4 Desember 1937
7 - -12-1937



DIE SEKRETARIS VAN BUITELANDSE SAKE: PRETORIA.

Internasionale Ooreenkoms ter
Regulering van die Walvisvangs.

Met verwysing na u diensbrief nommer P.M.
107/5 van 1 deser oor bogemelde onderwerp moet ek u
meedeel dat die posisie soos uiteengesit in die
ontwerp kabel aangeheg aan my enersgenommerde diens-
brief van 17 September 1937 onveranderd bly.

Wetgewing is nodig om die Regering in staat
te stel om die Ooreenkoms te ratifiseer en dit is
onwaarskynlik dat die nodige wetgewing gedurende die
eerste sitting van die Parlement aanstaande jaar
ingedien sal word.

SEKRETARIS VAN HANDEL EN NYWERHEID.

P. 6/6/1938.
15/6/38
P. 20/1/38 (Kulaw)

NOT E

P. 14. 107/5
D. 10. 107/5

TELEGRAM.



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

28th February, 1938.

Circular Telegram A. No.1.

In accordance with Paragraph 11 of the final Act at the Whaling Conference 1937 it is proposed that a further conference should meet in London in the week beginning June 13th. His Majesty's Government in the United Kingdom wish to extend to your Government invitation to be represented at the proposed conference to which foreign Governments represented at the 1937 Conference and in addition the Governments of Chile, Denmark, France, Japan and Panama are also being invited.

J.M.
J.M. 4/3/38

M. Jordaan
Maree, arb.

Stuur afskrifte arb. na
H&X met oorsig.
J.M.
2/3.

Stuur aan H&X oorsig
met oorsig.
J.M.
2/3.

A.O.T. 4/4/38
20/3/38

Telegramadres | "NYWERCOM."
Telegraphic Address |



PM 107/5
C.I. 1.
Adressee asb. alle briewe aan die
Sekretaris.

All communications to be addressed
to the Secretary.

Verwys in antwoord asb. na
In reply please quote

No. H.N. 404/60.
No. C.I.

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

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

MUTUALGEBOU, KERKPLEIN,
MUTUAL BUILDING, CHURCH SQUARE,

PRETORIA 22 Maart 1938. 8.

24-3-1938
25-3-1938
DIE SEKRETARIS VAN BUITELANDSE SAKE.

Internasionale Walvis-ooreenkoms.

Met verwysing an telegram A. No. 1 van die Britse Regering, gedateer 28 Februarie, in verband met die voorgestelde verdere besprekings oor bogenelde onderwerp, moet ek u meedeel dat dié besluit is om aan die besprekings deel te neem.

2. Verder is dit aan my opgedra u mee te deel dat dit my Minister se wens is dat mnr. te Water en du Toit die Unie-Regering se verteenwoordigers by die besprekings sal wees. As Sy Edelagbare die Eerste Minister hiermee akkoord gaan, sal dit waardeer word as u dienooreenkomsig met mnr. te Water wil reël.

24 SEKRETARIS VAN HANDEL EN NYWERHEID.

P.M. 107/5.

UNIE VAN SUID-AFRIKA - UNION OF SOUTH AFRICA

DEPARTMENT VAN BUREAU EN VERKEER
DEPARTMENT OF POSTS AND TELEGRAPHS

PRETORIA,

AIR MAIL.

25th March, 1938.

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

INTERNATIONAL WHALING AGREEMENT.

With reference to the Secretary of State for Dominion Affairs' circular telegram A No. 1 of February 28th, 1938, extending an invitation to the Union Government to be represented at a further conference to be held in connection with the above subject in London during the week beginning on June 13th, 1938, I should be grateful if you would kindly inform the British Government that the Union Government gratefully accept the invitation, and that it is proposed to appoint yourself and Mr. du Toit as the Union's representatives at the conference.

If you or Mr. du Toit should not be able to attend the conference at the time proposed, I should be grateful if you would so inform me before April 20th proximo, as steps must then be taken to secure the appointments and to issue the necessary full powers.

P. R. BOTHA

SECRETARY FOR EXTERNAL AFFAIRS.

JJ/WK.

29 MAR 1938

copy forwarded to
C & G
26/4/38

F 26/4/38
P. 20/4/1938

referred
28/3

112
110

deposit of any further ratifications or accessions will
be notified as and when they are received.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Walesia MacDonald

P.M. 10/5

UNION OF SOUTH AFRICA.
Circular despatch A No. 3

Downing Street,
15 March, 1938.



Sir,

With reference to my Circular despatch A. No. 19 of the 25th November, 1937, I have the honour to state that the Mexican Government have notified their desire to accede to the International Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937.

2. Under the provisions of Article 22 of the Agreement accessions may only be effected after the Agreement has come into force. In view however of the fact that the Agreement was provisionally enforced on the 1st July, 1937, the Mexican Government have been informed that their accession will be regarded as taking effect provisionally on the 9th February, 1938, and that it will take effect definitively on the date on which the Agreement has received the number of ratifications required to bring it into force.

3. Under the terms of Article 19 the Agreement will come into force definitively on the date on which the ratifications of five of the signatory Governments have been received. The Agreement has already been ratified by the Governments of the United Kingdom, the United States of America, Germany and Norway, and the

deposit

*P.M. 14/38
for Mr Woodward
also for
annotation -
letters below*

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Passed to... *C. J.*
30 MAR 1938
25/3/38

~~reference~~ any instrument which may
be signed upon ~~concluded~~

In Witness whereof I
have signed these presents at
on the _____ day of _____
in the year of Our Lord, One
Thousand Nine Hundred & Thirty-eight.

Whereas His Majesty's Government in the United Kingdom, ~~considering~~ ^{in pursuance of the} ~~the~~ ^{recommendations} contained in paragraph 11 of the final Act adopted at the Whaling Conference of 1937 have decided to convene a Conference in London in the week beginning Jan 13th 1938, ~~for the purpose of studying~~ ^{in order to} the results of the past whaling season, and ~~of to~~ ^{to} consider the question of modification or extension of the Agreement for the Regulation of Whaling concluded & signed in London on June 8th 1937;

And Whereas it is expedient ~~that~~ ^{that} fit & proper persons be appointed to represent the Government of the Union of South Africa at the said Conference, ~~and that such persons be invested with full powers to sign~~

Now therefore, I, James Barry Munnicks Hertzog, Minister of External Affairs of the Union of South Africa, do hereby declare & make known that the Government of the Union of South Africa have authorized & appointed & do by these ~~present~~ ^{present} appoint Mr. Charles Theodore de Water & Mr. Francois de Wit High Commissioners for the Union of South Africa in London, & Mr. Francois ^{Jacobs} du Toit, ^{Secretary to the High Commission} ~~Commissioner~~ for the Union of South Africa in London as First and ~~second~~ ^{second} ~~Delegates~~ ^{Delegates} respectively, ~~with~~ ^{fully} full powers & authority to take part ⁱⁿ the deliberations at the said Conference & to sign, ^{ad referendum,} on behalf of the Government of the Union of South Africa, ~~and~~

Approved
by the U/S
26/11/38
J.

Ministers have the honor to in-
 form His Excellency the Governor General that
~~paragraph 11 of the final act~~
 the Union Govt ^{has} received an invitation
~~an invitation~~ ^{has been} received from His
 Majesty's Government in the United Kingdom
 to attend ~~to~~ for the Union Govt to
 be represented at a Conference to
 be held in London which it is proposed
 to be convened in London, in the week
 beginning on June 13th 1938, ^{in order to} to consider
 the question of modification or extension
 of the Agreement for the regulation of
~~whaling~~ ^{whaling} concluded in London ^{on June 8th 1937} & signed
~~on the Union Government's behalf,~~ ^{on}
 June 8th 1937, and ^{to examine} the
 results of the past whaling seasons

Approved by
 the U/S.
 J. 2/6/4

Ministers deem it desirable
 that the invitation be accepted & have
 the honor to ^{that H.E. may be pleased to approve of} recommend that Mr.
 C.T. de Wates High Commissioner for the
 Union of South Africa in London &
 Mr. F.J. du Toit ^{Secretary to the High Commissioner} ~~Trade Commissioner~~
 for the Union of South Africa in London
 being appointed, ^{jointly} ~~jointly~~ ^{as first & second Delegates respectively}
 to represent the Union
 Government at the said Conference,
 & to sign, ^{at referendum,} on behalf of the ^{Union} Govt
~~of the Union of South Africa, at referendum,~~
 any agreement which ^{may} be ^{concluded}
~~concluded thereat,~~ ^{concluded} at the Conference, & to
^{authorize} of the Minister of External Affairs ^{being} authorized
 to take the necessary steps in
 connection therewith.

Ministers also recommend that it may
 please H.E. to authorize the Minister
 for External Affairs to take the necessary
 steps in connection therewith with
 such appointment.

Dringent no. 05

J. Pretorius,

U sal opraesek dat hierdie saak betreklik kwassig is. Die antwoerp is nri, in orde. Die fute is bereik, & die formulering ook. Sal die o/s arb. besluit of

1) die twee vestenwoodiges, seamentlik & afsonderlik of wel as 1ste en tweede vestenwoodiges aangeent sal word?

2) Of enige oombouing waarop besluit word ad referendum geteken moet word? Ek sien van wel.

3) So die tittel van die Toit juis of is dit nou anders? Ek verstaan by is nou sekretaris.

7. 29/11

Mr. J. J. du Toit,
for the Union of South Africa
being appointed,
Government at the said Conference,
& to sign, ^{ad referendum,} on behalf of the Govt
of the Union of South Africa, ^{ad referendum,}
any agreement which ^{may} be ^{concluded}
~~concluded~~ ^{agreed upon} ~~thereat~~, at the conference, & to
~~of the Ministers of External Affairs~~ ^{authorise}
~~to take the necessary steps in~~
~~connection therewith.~~

Ministers also recommended that it may please H.E. to authorize the Ministers for External Affairs to take the necessary steps in connection therewith with such appointment.

the honours to in-
the Governor General that
~~first act~~ An invitation
has received, from His
in the United Kingdom
the Union Govt to
a Conference to
~~which it is proposed~~
London, in the week
3rd ^{to} 1938, ^{to} consider
modification of conditions
for the regulation of
and in London ^{on June 9th 1937} & request
to ^{study} examine the
entire whaling business

deems it desirable
is be accepted & have
H.E. may be pleased to approve of
course and that Mr.

Commissioner for the
in London &
Secretary to the High Commissioner
being appointed, ^{jointly & severally} as first & second Delegates respectively
to represent the Union
Government at the said Conference,
& to sign, ^{ad referendum,} on behalf of the ^{Union} Govt
of the Union of South Africa, ^{ad referendum,}
any agreement which ^{may} be ^{concluded}
~~concluded~~ ^{agreed upon} ~~thereat~~, at the conference, & to
~~of the Ministers of External Affairs~~ ^{authorise}
~~to take the necessary steps in~~
~~connection therewith.~~

Ministers also recommended that it may please H.E. to authorize the Ministers for External Affairs to take the necessary steps in connection therewith with such appointment.

Dringad.

PRETORIA,
27th April, 1938.

28 APR 1938

The Secretary for Commerce
and Industries,
PRETORIA.

International Whaling Agreement:
London 8/6/1937.

With reference to your minute No. C.I.404/60
of the 24th ultimo I enclose a draft Executive Council
Minute recommending the appointment of Messrs.
de Water and du Toit to represent the Union at the
proposed conference in connection with the above
subject to be held in London during June prox.

I should be grateful if the draft Minute
could be initialled by the Minister of Commerce and
Industries in accordance with the existing procedure,
and returned to me for further action.

A. H. MERTSCH

SECRETARY FOR EXTERNAL AFFAIRS.

[Handwritten signature]
27/3
P. 14/5

[Faint handwritten text at the bottom of the page]

in London, being appointed, as First and Second Delegates respectively, to represent the Union Government at the said Conference, and to sign, ad referendum, on behalf of the Union Government any agreement which may be concluded.

MINISTERS also recommend that it may please His Excellency to authorize the Minister of External Affairs to take the necessary steps in connection with such appointment.

With reference to your minute No. C.I. 104/30 of the 21st instant I enclose a draft Executive Council Minute recommending the appointment of Messrs. de Sater and de Voil to represent the Union at the proposed conference in connection with the above subject to be held in London during June prox.

I should be grateful if the draft Minute could be initialed by the Minister of Commerce and Industries in accordance with the existing procedure, and reached to me for further action.

A. H. MERTSCH

SECRETARY FOR EXTERNAL AFFAIRS.

... being appointed, as First and Second Delegates respectively, to represent the Union Government at the said Conference, and to sign PRETORIA on behalf of the Union Government any agreement which may be concluded.

MINISTERS also resolved that it may please MINUTE NO. to authorize the Minister of External Affairs to take the necessary steps in connection with such agreement.

MINISTERS have the honour to inform His Excellency the Governor-General that the Union Government have received an invitation from His Majesty's Government in the United Kingdom to be represented at an International Conference to be convened in London, in the week beginning on June 13th, 1938, in order to study the results of the past whaling season and to consider the question of modification or extension of the existing International Agreement for the Regulation of Whaling concluded in London on June 8th, 1937, and signed on behalf of the Union Government.

MINISTERS deem it desirable that the invitation be accepted and have the honour to recommend that His Excellency may be pleased to approve of Mr. C.T. de Water, High Commissioner for the Union of South Africa in London, and Mr. F.J. du Toit, Secretary to the High Commissioner for the Union of South Africa in

Telegraphic Address "NYWERCOM."
Telegramadres



PM 107/5
G.I. I.
All communications to be addressed to the Secretary.
Adresseer asb. alle briewe aan die Sekretaris.
In reply please quote Verwys in antwoord asb. na
No. C.I. 404/60.
No. H.N.

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

DEPARTMENT OF COMMERCE AND INDUSTRIES,
DEPARTEMENT VAN HANDEL EN NYWERHEID,
MUTUAL BUILDING, CHURCH SQUARE,
MUTUALGEBOU, KERKPLEIN,

PRETORIA..... 6th May, 1938..... 8.



THE SECRETARY FOR EXTERNAL AFFAIRS: PRETORIA.

International Whaling Agreement.

1. With reference to your unnumbered minute of the 28th ultimo, I now enclose the required draft Executive Council Minute recommending the appointment of Messrs. C.T. te Water and F.J. du Toit to represent the Union at the proposed International Whaling Conference to be held in London during June next. The original draft minute has been initialled by the Minister of Commerce and Industries.

2. It will be noted that the draft Executive Council Minute forwarded with your minute under reply has been slightly amended after discussion with an officer of your Department.

Alley
SECRETARY FOR COMMERCE AND INDUSTRIES.

Do. Mastache
Mrs. de Plessis,

Die uitvoersonderaansdeminute hiersonde sal nou sodra
monthly deur die E.M. of 'n ander ministe geteken moet
word. Die konferensie begin op 13 Junie 8 en sal die
volmagte tyds in hande moet hi. Die wysiging waarvan
hierbo in par. 2 sprake is geld in veragting van die woorde
"International" en "existing international" van die woorde
PAW. "conference" & "agreement" in lys 5 & 9 resp.
Die Sekr. van H.N. het gesê dat die regulering van die woorde
"international" die indruk gee dat die konferensie net tussen ons en die V.K. is.

Handwritten notes in left margin:
Die sending kommissioner
het ek gesê dat ons geen
besondering bin die woorde
"int." en "existing" is.



14/1/34
DEPARTMENT OF EXTERNAL AFFAIRS
REPUBLIC OF SOUTH AFRICA
409, 60.

in London, being appointed, as First and Second Delegates respectively, to represent the Union Government at the said Conference, and to sign, ad referendum, on behalf of the Union Government any agreement which may be concluded.

MINISTERS also recommend that it may please His Excellency to authorize the Minister of External Affairs to take the necessary steps in connection with such appointment.

International Whaling Conference

1. With reference to your numbered minute of the 12th ult., I now enclose the required draft Executive Council Minute recommending the appointment of Messrs. G.T. de Water and F.J. de Wit to represent the Union at the proposed International Whaling Conference to be held in London during June next. The original draft minute has been initialed by the Minister of External Affairs.

2. It will be noted that the draft Executive Council Minute forwarded with your minute under reply has been slightly amended after discussion with an officer of your Department.

International Whaling Conference

Dr. H. de Vries

Minister of External Affairs

The above-mentioned minute...
PAW.
international...

Vertical text on the left margin, possibly a file number or reference.

in London, being appointed, as First and Second Delegates respectively, to represent the Union Government at the said Conference, and to sign **PRETORIA**, on behalf of the Union Government **10.6.1938** as follows.

MINISTERS also recommend that if any MINUTE NO. authorized the Minister of External Affairs to take the necessary steps in connection with such appointments.

MINISTERS have the honour to inform His Excellency the Governor-General that the Union Government have received an invitation from His Majesty's Government in the United Kingdom to be represented at an International Conference to be convened in London, in the week beginning on June 13th, 1938, in order to study the results of the past whaling season and to consider the question of modification or extension of the existing International Agreement for the Regulation of Whaling concluded in London on June 8th, 1937, and signed on behalf of the Union Government.

MINISTERS deem it desirable that the invitation be accepted and have the honour to recommend that His Excellency may be pleased to approve of Mr. C.T. de Water, High Commissioner for the Union of South Africa in London, and Mr. F.J. du Toit, Secretary to the High Commissioner for the Union of South Africa

in

in London, being appointed, as First and Second Delegates respectively, to represent the Union Government at the said Conference, and to sign, ad referendum, on behalf of the Union Government any agreement which may be concluded.

MINISTERS also recommend that it may please His Excellency to authorize the Minister of External Affairs to take the necessary steps in connection with such appointment.

MINISTERS have the honor to inform His Excellency the Governor-General that the above recommendations were received on 11/5/38 from the Secretary of State for External Affairs, London, in connection with the proposed appointment of Mr. O. PIROW as Delegate to the proposed Conference to be held in London on 11/5/38. The above recommendations are being forwarded to His Excellency for his consideration in connection with the appointment of Mr. PIROW as Delegate to the proposed Conference to be held in London on 11/5/38, and subject to the approval of the Union Government.

11-5-1938
 (1938) (W.S.)
 PATRICK DUNCAN

MINISTERS also recommend that it may please His Excellency to authorize the Minister of External Affairs to take the necessary steps in connection with such appointment.

PAW.

in London, being appointed, as First and Second Delegates respectively, to represent the Union Government at the said conference, and to sign **PRETORIA**, on behalf of the Union Government say **1.0.5.1938** say be continued.

MINISTERS also recommend that in any future MINUTE NO. be included the Ministers of General Affairs to take the necessary steps to consultation with their departments.

MINISTERS have the honour to inform His Excellency the Governor-General that the Union Government have received an invitation from His Majesty's Government in the United Kingdom to be represented at an International Conference to be convened in London, in the week beginning on June 13th, 1938, in order to study the results of the past whaling season and to consider the question of modification or extension of the existing International Agreement for the Regulation of Whaling concluded in London on June 8th, 1937, and signed on behalf of the Union Government.

MINISTERS deem it desirable that the invitation be accepted and have the honour to recommend that His Excellency may be pleased to approve of Mr. C.T. de Water, High Commissioner for the Union of South Africa in London, and Mr. F.J. du Toit, Secretary to the High Commissioner for the Union of South Africa in

have authorized and appointed, and do by these Presents appoint Mr. Charles Theodore te Water, High Commissioner for the Union of South Africa in London, and Mr. Francois Jacobus du Toit, Secretary to the High Commissioner for the Union of South Africa in London, to be their plenipotentiaries, as First and Second Delegate respectively, with full power and authority to take part in the deliberations at the said Conference and to sign, ad referendum, on behalf of the Government of the union of South Africa, any instrument which may be concluded thereat.

IN WITNESS WHEREOF I have signed
these Presents at _____ on the
_____ day of _____ in the
year of Our Lord, One Thousand Nine
Hundred and Thirty-eight.

OFFICE OF THE PRIME MINISTER AND
DEPARTMENT OF EXTERNAL AFFAIRS
P R E T O R I A,

WHEREAS His Majesty's Government in the United Kingdom, in pursuance of the recommendations contained in paragraph 11 of the Final Act adopted at the Whaling Conference of 1937, have decided to convene an International Conference in London in the week beginning June 13th, 1938, in order to study the results of the past whaling season, and to consider the question of modification or extension of the International Agreement for the Regulation of Whaling, concluded and signed in London on June 8th, 1937;

AND WHEREAS it is expedient that fit and proper persons be appointed to represent the Government of the Union of South Africa at the said Conference,

NOW THEREFORE, I, James Barry Munnik Hertzog, Minister of External Affairs of the Union of South Africa, do hereby declare and make known that the Government of the Union of South Africa

have...

OFFICE OF THE PRIME MINISTER AND
DEPARTMENT OF EXTERNAL AFFAIRS

PRETORIA.

FROM: Secretary of State for Dominion Affairs,
London.

TO: Minister of External Affairs, Pretoria.

10th May, 1938.

Circular telegram A.No. 2. My circular despatch
A.No.3 of the 15th March, International Whaling
Agreement, 1937. Instrument of ratification by the
Government of Eire having been deposited on the 7th
May, the Agreement came into force on that date.

19th. 1937, in order to study the nature
of the post whaling industry, and to exami-
ner the question of modification or ex-
tension of the international Agreement
for the Regulation of Whaling, concluded
and signed in London on June 8th, 1937;

AND WHEREAS it is expedient
that fit and proper persons be appointed
to represent the Government of the Union
of South Africa at the said Conference,

NOW THEREFORE, I, James Barry
Munnik Hertzog, Minister of External
Affairs of the Union of South Africa, do
hereby declare and authorize that the
Government of the Union of South Africa

P.M. 107/5

11-5-1938

FROM: Secretary of State for Dominion Affairs,
London.

TO: Minister of External Affairs, Pretoria.

10th May, 1938.

Circular telegram A.No. 2. My circular despatch
A.No.3 of the 15th March, International Whaling
Agreement, 1937. Instrument of ratification by the
Government of Eire having been deposited on the 7th
May, the Agreement came into force on that date.

Causes & Industries

19 MAY 1938

Initials *[Signature]*

have authorized and appointed, and do by these Presents appoint Mr. Charles Theodore te Water, High Commissioner for the Union of South Africa in London, and Mr. Francois Jacobus du Toit, Secretary to the High Commissioner for the Union of South Africa in London, to be their plenipotentiaries, as First and Second Delegate respectively, with full power and authority to take part in the deliberations at the said Conference and to sign, ad referendum, on behalf of the Government of the union of South Africa, any instrument which may be concluded thereat.

IN WITNESS WHEREOF I have signed these Presents at Pretoria on the thirteenth day of May in the year of Our Lord, One Thousand Nine Hundred and Thirty-eight.

J. B. M. HERTZOG

OFFICE OF THE PRIME MINISTER AND
DEPARTMENT OF EXTERNAL AFFAIRS

P R E T O R I A.

have authorized and appointed, and do by
these Proclamations appoint and declare
therefore to have, with full powers for
the Union of South Africa to send, and

WHEREAS His Majesty's Govern-
ment in the United Kingdom, in pursuance
of the recommendations contained in para-
graph 11 of the Final Act adopted at the
Whaling Conference of 1937, have decided
to convene an International Conference
in London in the week beginning June
13th, 1938, in order to study the results
of the past whaling season, and to consi-
der the question of modification or ex-
tension of the International Agreement
for the Regulation of Whaling, concluded
and signed in London on June 8th, 1937;

AND WHEREAS it is expedient
that fit and proper persons be appointed
to represent the Government of the Union
of South Africa at the said Conference;

NOW THEREFORE, I, James Barry
Munnik Hertzog, Minister of External
Affairs of the Union of South Africa, do
hereby declare and make known that the
Government of the Union of South Africa

have...

PRETORIA,

14 MAY 1938
19 MAY 1938.

Die Hoë Kommissaris
van die Unie van Suid-Afrika,
LONDEN.

Internasionale Walvis Konferensie
Junie 1938.

Met verwysing na my eners genoemde
diensbrief van 29 Maart laaslede sluit ek hierby die
Unie Regering se volmag in, waarby u en mr. du Toit
as die Unie se verteenwoordigers op die aanstaande
Walvis Konferensie aangestel word.

E.R. BOTHA

SEKRETARIS VAN DIE BUITELANDSE SAKE.

JJ/BC.

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P. 28/8/38

19 MAY 1938

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C.L. 83. 1938.II.B.

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LEAGUE OF NATIONS

CONVENTION FOR THE REGULATION OF WHALING

(Geneva, September 24th, 1931)

ACCESSION OF IRELAND

Geneva,

26 APR 1938

Sir,

I have the honour to inform you that the Permanent Delegate of Ireland to the League of Nations has communicated to me, in accordance with the provisions of Article 16 of the Convention for the regulation of whaling, signed at Geneva on September 24th, 1931, the instrument of accession of Ireland to this Convention.

The said instrument of accession was deposited with the Secretariat on April 9th, 1938.

I have the honour to be, Sir,

Your obedient Servant,

For the Secretary-General:

Acting Legal Adviser of the Secretariat.

SOCIÉTÉ DES NATIONS

DANS TOUTE COMMUNICATION PORTANT
SUR CE SUJET PRIÈRE DE RAPPELER LE
N°
ET D'ADRESSER À MONSIEUR LE SECRÉTAIRE
GÉNÉRAL DE LA SOCIÉTÉ DES NATIONS, GENEVE

SECTION DE
L'AFRIQUE DU SUD
27 AVR. 1938
BUREAU DE LA
SOCIÉTÉ DES NATIONS

LEAGUE OF NATIONS

IN ANY FURTHER COMMUNICATION ON
THIS SUBJECT PLEASE QUOTE
N° C.L. 83. 1938.II.B.
AND ADDRESS TO:— THE SECRETARY
GENERAL, LEAGUE OF NATIONS, GENEVA

CONVENTION FOR THE REGULATION OF WHALING

(Geneva, September 24th, 1931)

ACCESSION OF IRELAND

Geneva, April 26th, 1938.

Sir,

I have the honour to inform you that the Permanent Delegate of Ireland to the League of Nations has communicated to me, in accordance with the provisions of Article 16 of the Convention for the regulation of whaling, signed at Geneva on September 24th, 1931, the instrument of accession of Ireland to this Convention.

The said instrument of accession was deposited with the Secretariat on April 9th, 1938.

I have the honour to be, Sir,

Your obedient Servant,

For the Secretary-General:

Acting Legal Adviser of the Secretariat.

The Minister of External Affairs
for the Union of South Africa,
P R E T O R I A.

Gestuur aan *Hande & Regiering*
oorwaging
vir informasie
afhandeling
Datum *27/5/38* Paraaf *J.M.*

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OFFICE OF THE
ACCREDITED REPRESENTATIVE
OF THE UNION OF SOUTH AFRICA
TO THE LEAGUE OF NATIONS,
66, ROUTE DE FERNEY,
GENEVA.

27th April, 1938.

THE SECRETARY FOR EXTERNAL AFFAIRS,
P R E T O R I A .



CONVENTION FOR THE REGULATION OF WHALING.

I have the honour to transmit herewith
---Circular Letter No. 83 from the Secretary-General
of the League of Nations notifying the accession
of Ireland to the above Convention.

H. T. Andrews

ACCREDITED REPRESENTATIVE.

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shall be from the eighth day of December, 1937, to the fifteenth day of March, 1938, both days inclusive.

(c) Any Baleen Whale during the period from the eighth day of March to the seventh day of December following, both days inclusive in any of the following areas:—

- (i) In the Atlantic Ocean north of the 40th degree of South Latitude and in the Davis Strait, Baffin Bay and Greenland Sea;
- (ii) In the Pacific Ocean east of the 150th degree of West Longitude between the 40th degree of South Latitude and the 35th degree of North Latitude;
- (iii) In the Pacific Ocean west of the 150th degree of West Longitude between the 40th degree of South Latitude and the 20th degree of North Latitude.
- (iv) In the Indian Ocean north of the 40th degree of South Latitude.

2. The crew of the ship must be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of whales taken.

3. The master or person in charge of the ship shall keep the records prescribed in Regulations 5 and 6 of the Whaling Industry (Ship) Regulations, 1937.

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

5. 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.

6. Except in the case of whales or parts of whales intended for human food or for feeding animals, the oil shall be extracted by boiling or otherwise from all blubber, meat (except the meat of sperm whales) and bones other than the internal organs, whale bone and flippers of all whales delivered to the ship.

7. There shall not at any time be taken for delivery to the ship a greater number of whales than can be treated efficiently and in accordance with Condition 6 hereof by the plant and personnel therein within a period of thirty-six hours from the time of the killing of each whale.

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

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CREDITED REPRESENTATIVE
THE UNION OF SOUTH AFRICA
THE LEAGUE OF NATIONS,
66, ROUTE DE FERNEY,
GENEVA.

h April, 1938.



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- 3. In the Pacific Ocean west of the 150th degree of West Longitude between the 40th degree of South Latitude and the 20th degree of North Latitude;
- 4. In the Indian Ocean north of the 40th degree of South Latitude.

Provided that if the ship shall be attached to and during the currency of this licence used for the purpose of taking whales for treatment by a land station the foregoing conditions relating to baleen whales shall not apply to such ship, but the following condition shall apply thereto:

The taking of baleen whales by the ship shall be limited to a period of six successive calendar months during the currency of this licence, and during the residue of such currency no baleen whale shall be taken by the ship.

In this condition a "land station" means a factory on the land or in the territorial waters adjacent thereto in which or at which whales are treated whether wholly or in part.

2. The gunners and crew of the ship must be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken and no bonus or other remuneration calculated by reference to the results of their work shall be paid to them in respect of any whales the taking of which is prohibited by the said Act and Order.

3. The owners and/or charterers shall furnish to the Ministry of Agriculture and Fisheries or the Fishery Board for Scotland as the case may be on or before the 30th June in each year an account showing the total emolument of each gunner and member of the crew employed during the preceding period of twelve months and the manner in which the emolument of each of them is calculated.

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

WHALING INDUSTRY (REGULATION) ACT, 1934, AND THE WHALING INDUSTRY (SPERM WHALES) ORDER, 1937.

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, and the Whaling Industry (Sperm Whales) Order, 1937, authority is hereby granted to Messrs. _____ owners/charterers of the _____ ship _____ for the use of

the said ship for the purpose of treating whales outside the coastal waters of the United Kingdom subject to the provisions of the said Act and Order and to the Regulations made thereunder and for the time being in force during the currency of this licence and to the following conditions:—

- 1. There shall not be treated by the ship—
 - (a) Any Grey Whale during the period from the eighth day of March to the seventh day of December following, both days inclusive.
 - (b) Any Baleen Whale in any waters south of the 40th degree of South Latitude at any time other than during the period from the eighth day of December to the seventh day of March following, both days inclusive, provided that in the case of any licence issued in respect of the whaling season 1937-38 the said period

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DE OF THE
CREDITED REPRESENTATIVE
THE UNION OF SOUTH AFRICA
THE LEAGUE OF NATIONS,
66, ROUTE DE FERNEY,
GENEVA.

April, 1938.



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8. The sum to be paid pursuant to Section 8, subsection 2, of the 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 (No. 1), 1938.

10. The Whaling Industry (Ship) Regulations, 1937(a) are hereby revoked.

Dated this 2nd day of March, 1938.

E. J. Foley,
An Under Secretary to the
Board of Trade.

SCHEDULE.

WHALING INDUSTRY (REGULATION) ACT, 1934, AND WHALING INDUSTRY (SPERM WHALES) ORDER, 1937.

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, and the Whaling Industry (Sperm Whales) Order, 1937, 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 Order and to the Regulations made thereunder and for the time being in force during the currency of this licence and to the following conditions:—

1. There shall not be taken by the ship—
 - (a) Any Grey Whale during the period from the eighth day of March to the seventh day of December following both days inclusive.
 - (b) Any Baleen Whale in any waters south of the 40th degree of South Latitude at any time other than during the period from the eighth day of December to the seventh day of March following, both days inclusive, provided that in the case of any licence issued in respect of the whaling season 1937-38 the said period shall be from the eighth day of December, 1937, to the fifteenth day of March, 1938, both days inclusive.
 - (c) Any Baleen Whale during the period from the eighth day of March to the seventh day of December following, both days inclusive, in any of the following areas:—
 1. In the Atlantic Ocean north of the 40th degree of South Latitude and in the Davis Strait, Baffin Bay and Greenland Sea;
 2. In the Pacific Ocean east of the 150th degree of West Longitude between the 40th degree of South Latitude and the 35th degree of North Latitude;

(a) S.R. & O. 1937 No. 737.

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HE UNION OF SOUTH AFRICA
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36, ROUTE DE FERNEY,
GENEVA.

April, 1938.



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Datum 27/5/38 Paraaf J. M. ...

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(3) Where the right to use any ship or ships for taking whales in such coastal waters without licence fee is embodied in the terms of the lease of a land station a refund of one-half of the sum specified in paragraph (b) or one-half of the sum ordinarily charged in respect of a licence for such coastal waters whichever is the lesser shall be made in respect of each such ship the use of which is authorised by the lease.

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 Regulation 1 hereof.

Whether the whale contained a foetus or foetuses.

The length and sex 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.

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, Edinburgh, for transmission to the Board of Trade.

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SECRETARY OF THE
CREDITED REPRESENTATIVE
OF THE UNION OF SOUTH AFRICA
TO THE LEAGUE OF NATIONS,
66, ROUTE DE FERNEY,
GENEVA.

April, 1938.



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REPRESENTATIVE.

Gestuur aan *Hanac & Kuyperhuis*
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Datum *27/5/38* Parant *J. Hanac*

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

1.—(a) For the purpose of Section 3 of the Act, whales of the undermentioned species shall be deemed to be immature if they are of less than the lengths set out below in relation to each species, viz.:—

- (i) Blue Whale, 70 feet;
- (ii) Fin Whale, 55 feet;
- (iii) Humpback Whale, 35 feet;
- (iv) Sperm Whale, 35 feet.

In this Regulation—

The expression "Blue Whale" means a whale known by any of the names set out in Part II of the Schedule to the Act;

the expression "Fin Whale" means a whale known by any of the names set out in Part III of the Schedule to the Act;

the expression "Humpback Whale" means any whale known by any of the names, bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale;

the expression "Sperm Whale" means a whale known by any of the names set out in Article 2 of the Order.

(b) Such length shall in each case be the distance measured on the level in a straight line between the tip of the upper jaw and the notch between the flukes of the tail.

2. Any application for a licence in respect of a ship shall be made in writing by the owners or charterers of the ship, 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 £200; and
- (b) in the case of a licence authorising the use of a ship for taking whales the sum of £75.

Provided that—

(i) Where in addition to the licence granted under the Act a licence for the same whaling season has been or shall be granted in respect of any ship for taking whales in the coastal waters of Newfoundland or any colony there shall be refunded from the sum specified in paragraph (b) either one-half thereof or one-half of the sum paid in respect of the licence for coastal water whichever is the lesser.

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OFFICE OF THE
REDUCED REPRESENTATIVE
OF THE UNION OF SOUTH AFRICA
TO THE LEAGUE OF NATIONS,
66, ROUTE DE FERNEY,
GENEVA.

April, 1938.



OFFICE OF WHALING.

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Datum 27/5/38 Paraaf *J.M.*

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FOR OFFICIAL USE

STATUTORY RULES AND ORDERS

1938 No. 163

FISHERIES

Whaling Industry

THE WHALING INDUSTRY (SHIP) REGULATIONS (No. 1), 1938, DATED MARCH 2, 1938, MADE BY THE BOARD OF TRADE, UNDER THE WHALING INDUSTRY (REGULATION) ACT, 1934 (24 & 25 GEO. 5. C. 49) AND THE WHALING INDUSTRY (SPERM WHALES) ORDER, 1937 (S.R. & O. 1937 No. 628).

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:

And whereas by Section 1 of the Act it is provided that for the purpose therein mentioned His Majesty may by Order in Council direct that subject to such exceptions, adaptations and modifications (if any) as may be specified in the Order the provisions of the Act shall apply in relation to whales other than whalebone whales or baleen whales and to such descriptions of such whales as may be so specified:

And whereas the Whaling Industry (Sperm Whales) Order, 1937 (hereinafter referred to as "the Order") was made on the first day of July, 1937, applying the provisions of the Act to sperm whales as defined in the said Order:

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CE OF THE
CREDITED REPRESENTATIVE
THE UNION OF SOUTH AFRICA
THE LEAGUE OF NATIONS,
66, ROUTE DE FERNEY,
GENEVA.

1 April, 1938.

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Gestuur aan *Hanane & Kuyper*
vir informasie
afhandeling
Datum *27/5/38* Paraaf *J. Hanane*

P. 22/2/38
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PM. 107/5



FOR OFFICIAL USE

1938 No. 163

UNION OF SOUTH AFRICA

Downing Street,

Circular despatch A. No. 4

21 June, 1938.

Sir,

With reference to my predecessor's Circular despatch A. No.15 of the 11th September last, I have the honour to transmit the accompanying copies of Statutory Rules and Orders, 1938, No.163, entitled "The Whaling Industry (Ship) Regulations (No.1) Order, 1938".

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Gestuur aan *Handel en Nye-handel*

4. *vir informasie*
afhandeling

Datum *24/7/38* Paraaf *[Signature]*

Stanley

P28/8 hieronder

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

For the Government of the Commonwealth of Australia :

S. M. BRUCE.

For the Government of Germany :

WOHLTHAT.

For the Government of the United Kingdom of Great Britain
and Northern Ireland :

HENRY G. MAURICE.

GEO. HOGARTH.

For the Government of the Irish Free State :

SEAN O'FAOLAIN O'DULCHAONTIGH.

For the Government of New Zealand :

G. McNAMARA.

For the Government of Norway :

BIRGER BERGERSEN.

List of Ratifications.

<i>Country.</i>	<i>Date of Deposit.</i>
United Kingdom	October 25, 1937.
Eire	May 7, 1938.
Germany	November 5, 1937.
Norway	October 29, 1937.
United States	September 3, 1937.

Accession.

Mexico ⁽²⁾	May 7, 1938.
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(2) Mexico acceded provisionally on February 9, 1938.

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

P.M. 107/5

Street,

1 June, 1938.

Director's Circular

As at last, I have the

copies of Statutory

Order "The Whaling

Act, 1938".

to be,

at,

ARTICLE 21.

The present Agreement shall, subject to the preceding article, remain in force until the 30th day of June, 1938, and thereafter if, before that date, a majority of the contracting Governments, which shall include the Governments of the United Kingdom, Germany and Norway, shall have agreed to extend its duration. In the event of such extension it shall remain in force until the contracting Governments agree to modify it, provided that any contracting Government may, at any time after the 30th day of June, 1938, by giving notice on or before the 1st day of January in any year to the Government of the United Kingdom (who on receipt of such notice shall at once communicate it to the other contracting Governments) withdraw from the Agreement, so that it shall cease to be in force in respect of that Government after the 30th day of June following, and that any other contracting Government may, by giving notice in the like manner within one month of the receipt of such communication, withdraw also from the Agreement, so that it shall cease to be in force respecting it after the same date.

ARTICLE 22.

Any Government which has not signed the present Agreement may accede thereto at any time after it has come into force. Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom and shall take effect immediately after the date of its receipt.

The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Agreement of all accessions received and the date of their receipt.

In faith whereof the Undersigned, being duly authorised, have signed the present Agreement.

Done in London the 8th day of June, 1937, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies will be transmitted to all the other contracting Governments.

For the Government of the Union of South Africa :

F. J. DU TOIT.

For the Government of the United States of America :

HERSCHEL V. JOHNSON.
REMINGTON KELLOGG.

For the Government of the Argentine Republic :

MANUEL E. MALBRAN.
M. FINCATI.
T. L. MARINI.

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

P.M. 107/5

Street,

21 June, 1938.

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nt,

"humpback whale" means any whale known by the name of humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale;

"right whale" means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale or Southern right whale;

"sperm whale" means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale;

"length" in relation to any whale means the distance measured on the level in a straight line between the tip of the upper jaw and the notch between the flukes of the tail.

ARTICLE 19.

The present Agreement shall be ratified and the instruments of ratification shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland as soon as possible. It shall come into force⁽¹⁾ upon the deposit of instruments of ratification by a majority of the signatory Governments, which shall include the Governments of the United Kingdom, Germany and Norway; and for any other Government not included in such majority on the date of the deposit of its instrument of ratification.

The Government of the United Kingdom will inform the other Governments of the date on which the Agreement thus comes into force and the date of any ratification received subsequently.

ARTICLE 20.

The present Agreement shall come into force provisionally on the 1st day of July, 1937, to the extent to which the signatory Governments are respectively able to enforce it; provided that if any Government within two months of the signature of the Agreement informs the Government of the United Kingdom that it is unwilling to ratify it the provisional application of the Agreement in respect of that Government shall thereupon cease.

The Government of the United Kingdom will communicate the name of any Government which has signified that it is unwilling to ratify the Agreement to the other Governments, any of whom may within one month of such communication withdraw its ratification or accession or signify its unwillingness to ratify as the case may be, and the provisional application of the Agreement in respect of that Government shall thereupon cease. Any such withdrawal or communication shall be notified to the Government of the United Kingdom, by whom it will be transmitted to the other Governments.

(1) The agreement came into force on May 7, 1938.

PM. 107/5

Street,

1 June, 1938.

Director's Circular

Further last, I have the
copies of Statutory

Order "The Whaling

Act, 1938".

to be,

at,

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

ARTICLE 16.

The contracting Governments shall obtain with regard to all factory ships and land stations under their jurisdiction records of the number of whales of each species treated at each factory ship or land station and as to the aggregate amounts of oil of each grade and quantities of meal, guano and other products derived from them, together with particulars with respect to each whale treated in the factory ship or land station as to the date and place of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus.

ARTICLE 17.

The contracting Governments shall, with regard to all whaling operations under their jurisdiction, communicate to the International Bureau for Whaling Statistics at Sandefjord in Norway the statistical information specified in Article 16 of the present Agreement together with any information which may be collected or obtained by them in regard to the calving grounds and migration routes of whales.

In communicating this information the Governments shall specify:—

- (a) the name and tonnage of each factory ship;
- (b) the number and aggregate tonnage of the whale catchers;
- (c) a list of the land stations which were in operation during the period concerned.

ARTICLE 18.

In the present Agreement the following expressions have the meanings respectively assigned to them, that is to say:—

- “factory ship” means a ship in which or on which whales are treated whether wholly or in part;
- “whale catcher” means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;
- “land station” means a factory on the land, or in the territorial waters adjacent thereto, in which or at which whales are treated whether wholly or in part;
- “baleen whale” means any whale other than a toothed whale;
- “blue whale” means any whale known by the name of blue whale, Sibbald’s rorqual or sulphur bottom;
- “fin whale” means any whale known by the name of common finback, common finner, common rorqual, finback, fin whale, herring whale, razorback, or true fin whale;
- “grey whale” means any whale known by the name of grey whale, California grey, devil fish, hard head, mussel digger, grey back, rip sack;

Street,

1 June, 1938.

Director's Circular
 In the last, I have the
 copies of Statutory
 Order "The Whaling
 Regulations, 1938".

to be,

at,

THE MINISTER OF EXTERNAL AFFAIRS,
 UNION OF SOUTH AFRICA.

ARTICLE 11.

The fullest possible use shall be made of all whales taken. Except in the case of whales or parts of whales intended for human food or for feeding animals, the oil shall be extracted by boiling or otherwise from all blubber, meat (except the meat of sperm whales) and bones other than the internal organs, whale bone and flippers, of all whales delivered to the factory ship or land station.

ARTICLE 12.

There shall not at any time be taken for delivery to any factory ship or land station a greater number of whales than can be treated efficiently and in accordance with article 11 of the present Agreement by the plant and personnel therein within a period of thirty-six hours from the time of the killing of each whale.

ARTICLE 13.

Gunners and crews of factory ships, land stations and whale catchers shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken, and not merely upon the number of the whales taken, and no bonus or other remuneration, calculated by reference to the results of their work, shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Agreement.

ARTICLE 14.

With a view to the enforcement of the preceding article, each contracting Government shall obtain, in respect of every whale catcher under its jurisdiction, an account showing the total emolument of each gunner and member of the crew and the manner in which the emolument of each of them is calculated.

ARTICLE 15.

Articles 5, 9, 13 and 14 of the present Agreement, in so far as they impose obligations not already in force, shall not until the 1st day of December, 1937, apply to factory ships, land stations or catchers attached thereto which are at present operating or which have already taken practical measures with a view to whaling operations during the period before the said date. In respect of such factory ships, land stations and whale catchers, the Agreement shall in any event come into force on the said date.

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

P.M. 107/5

Street,

1 June, 1938.

Director's Circular

In last, I have the

copies of Statutory

No. 10 of 1938, and "The Whaling

Act, 1938".

I am, Sir,

Yours,

ARTICLE 6.

It is forbidden to take or kill calves, or suckling whales or female whales which are accompanied by calves or suckling whales.

ARTICLE 7.

It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from the 8th day of December to the 7th day of March following, both days inclusive, provided that in the whaling season 1937-38 the period shall extend to the 15th day of March, 1938, inclusive.

ARTICLE 8.

It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

ARTICLE 9.

It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas, viz. :—

- (a) in the Atlantic Ocean north of 40° South Latitude and in the Davis Strait, Baffin Bay and Greenland Sea;
- (b) in the Pacific Ocean east of 150° West Longitude between 40° South Latitude and 35° North Latitude;
- (c) in the Pacific Ocean west of 150° West Longitude between 40° South Latitude and 20° North Latitude;
- (d) in the Indian Ocean north of 40° South Latitude.

ARTICLE 10.

Notwithstanding anything contained in this Agreement, any contracting Government may grant to any of its nationals a special permit authorising that national to kill, take and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the contracting Government thinks fit, and the killing, taking and treating of whales in accordance with the terms in force under this article shall be exempt from the operation of this Agreement.

Any contracting Government may at any time revoke a permit granted by it under this article.

[15403]

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PM. 107/5

Street,

1 June, 1938.

Director's Circular

As last, I have the

copies of Statutory

and "The Whaling

Act, 1938".

to be,

at,

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA.

INTERNATIONAL AGREEMENT FOR THE REGULATION OF
WHALING.

London, June 8, 1937.

AGREEMENT.

THE Governments of the Union of South Africa, the United States of America, the Argentine Republic, the Commonwealth of Australia, Germany, the United Kingdom of Great Britain and Northern Ireland, the Irish Free State, New Zealand and Norway, desiring to secure the prosperity of the whaling industry and, for that purpose, to maintain the stock of whales, have agreed as follows:—

ARTICLE 1.

The contracting Governments will take appropriate measures to ensure the application of the provisions of the present Agreement and the punishment of infractions against the said provisions, and, in particular, will maintain at least one inspector of whaling on each factory ship under their jurisdiction. The inspectors shall be appointed and paid by Governments.

ARTICLE 2.

The present Agreement applies to factory ships and whale catchers and to land stations as defined in Article 18 under the jurisdiction of the contracting Governments, and to all waters in which whaling is prosecuted by such factory ships and/or whale catchers.

ARTICLE 3.

Prosecutions for infractions against or contraventions of the present Agreement and the regulations made thereunder shall be instituted by the Government or a Department of the Government.

ARTICLE 4.

It is forbidden to take or kill Grey Whales and/or Right Whales.

ARTICLE 5.

It is forbidden to take or kill any Blue, Fin, Humpback or Sperm whales below the following lengths, viz.:—

(a) Blue whales	...	...	...	70 feet.
(b) Fin whales	...	...	...	55 feet.
(c) Humpback whales	...	...	...	35 feet.
(d) Sperm whales	...	...	...	35 feet.

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Street,

1 June, 1938.

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to be,

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WHALING

PM. 107/5



Treaty Series No. 37 (1938)

INTERNATIONAL AGREEMENT
FOR THE
REGULATION OF WHALING

London, June 8, 1937

[Ratifications of His Majesty's Government in the United Kingdom and of the Government of Eire deposited on October 25, 1937, and May 7, 1938, respectively.]

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
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80 Chichester Street, Belfast;
or through any bookseller

1938

Price 2d. net

Cmd. 5757

Street,

21 June, 1938.

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to be,

nt,

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

PM 107/5



UNION OF SOUTH AFRICA
Circular despatch A No. 5

Downing Street,

30 June, 1938.

Sir,

With reference to my predecessor's Circular despatch A No. 8 of the 16th July, 1937, I have the honour to transmit the accompanying copies of Treaty Series Paper No. 37 of 1938 (Cmd. 5757) containing the text of the International Agreement signed in London on the 8th June, 1937, for the regulation of whaling.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Stanley.

Gestuur aan *Handel en Nywerheid*
vir informasie
afhandeling
Datum... *8/7/38* ... Paraaf... *[Signature]*

Not. 12/7 1938 van Marce

*Mw. Keitz, Bêre ook
in paar eksemplare
van die Verdrag van die Britte in die biblioteek
Keitz in
12/7/38*

Not. 28/8 keizer

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

For the Government of the United States of America:

HERSCHELL V. JOHNSON

REMINGTON KELLOGG

WILFRID N. DERBY.

For the Government of the Argentine Republic:

MANUEL E. MALBRAN

M. FINCATI.

For the Government of the Commonwealth of Australia:

ROBERT G. MENZIES

For the Government of Canada:

VINCENT MASSEY.

For the Government of Eire:

SEAN O'NEILL O'DULCHONTOIGH

J. D. RUSH.

For the Government of Germany:

HELMUTH WOLFF.

For the Government of the United Kingdom of Great Britain
and Northern Ireland:

HENRY G. MAURICE

GEO. HOGARTH.

For the Government of New Zealand

W. J. JORDAN.

For the Government of Norway:

BIRGER BERGENSEN.

(iv) The Government of the United Kingdom will inform the other Governments of the date on which the Protocol comes into force and the date of any ratification or accession received subsequently.

ARTICLE 11.

(i) The present Protocol shall be open to accession by any Government which has not signed it and which accedes to the Principal Agreement before the definitive entry into force of the Protocol.

(ii) Accession shall be effected by means of a notification in writing addressed to the Government of the United Kingdom and shall take effect immediately after the date of its receipt.

(iii) The Government of the United Kingdom will inform all the Governments which have signed or acceded to the present Protocol of all accessions received and the date of their receipt.

ARTICLE 12.

Any ratification of, or accession to the Principal Agreement which may be deposited or notified after the date of definitive coming into force of the present Protocol shall be deemed to relate to the Principal Agreement as amended by the present Protocol.

In witness whereof the undersigned duly authorised thereto have signed the present Protocol.

Done in London the twenty-fourth day of June, 1938 in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland by whom certified copies shall be communicated to all the signatory Governments.

For the Government of the Union of South Africa.

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- (a) in the waters north of 65° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of whales by each ship or catcher shall be permitted between 65° North Latitude and 72° North Latitude.
- (b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude.
- (c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude.
- (d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude.
- (e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

ARTICLE 8.

For Article 12 of the Principal Agreement there shall be substituted the following, viz - The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass shall remain in the sea for a longer period than 33 hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment.

ARTICLE 9.

The present Protocol shall come into force provisionally on the first day of July, 1938, to the extent to which the signatory Governments are respectively able to enforce it.

ARTICLE 10.

(1) The present Protocol shall be ratified and the instruments of ratification shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland as soon as possible.

(11) It shall come into force definitively upon the deposit of the instruments of ratification by the Governments of the United Kingdom, Germany and Norway.

(111) For any other Government which is a party to the Principal Agreement the present Protocol shall come into force on the date of the deposit of its instrument of ratification or notification of accession.

(2) Only such factory ships as have operated during the year 1937 within the territorial waters of any signatory Government shall, after the signature of this Protocol, so operate, and any such ships so operating shall be treated as land stations and remain moored in territorial waters in one position during the season and shall operate for not more than six months in any period of twelve months, such period of six months to be continuous.

ARTICLE 4.

To Article 5 of the Principal Agreement there shall be added the following:-

"except that blue whales of not less than 65 feet, fin whales of not less than 50 feet and sperm whales of not less than 30 feet in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food."

ARTICLE 5.

To Article 7 of the Principal Agreement there shall be added the following:-

"Notwithstanding the above prohibition of treatment during a close season the treatment of whales which have been taken during the open season may be completed after the end of the open season."

ARTICLE 6.

In Article 8 of the Principal Agreement the word "baleen" shall be inserted after the word "treating".

ARTICLE 7.

For the areas specified in (a) (b) (c) and (d) of Article 9 of the Principal Agreement there shall be substituted the following areas, viz -