

INTERNATIONAL WHALING CONFERENCE, 1946

An International Whaling Conference of considerable importance was opened in Washington on 20 November 1946. Hitherto the regulation of whaling had been based on the International Agreement of 1937 as amended by Protocols drawn up at subsequent conferences held in London. On this occasion the conference was held in Washington by invitation of the United States Government, and a new International Convention for the Regulation of Whaling was drawn up, which will supersede the Agreement of 1937. The Convention, together with a Final Act and a Protocol in respect of the 1947–48 season, were in due course published as a White Paper.¹

Delegates attended on behalf of the Governments of Argentina, Australia, Brazil, Canada, Chile, Denmark, France, the Netherlands, New Zealand, Norway, Peru, the U.S.S.R., the United Kingdom, and the United States. Observers attended also on behalf of Iceland, Ireland, Portugal, Sweden, and South Africa; and Dr Remington Kellogg (U.S.A.) presided over the conference.

The new Convention is based on the principles embodied in the Agreement of 1937, and subsequent Protocols, and the actual regulations agreed upon (such as apply to protected species and classes of whales, minimum sizes, the limits of the Antarctic season, the limit to the total catch, etc.) are set forth in a Schedule. These regulations do not differ essentially from those which already apply, but there is a new departure in the Convention itself. Article III begins: "The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers." By Article IV the Commission is concerned with information and investigations on whales and whaling, and by Article V it has powers to amend the provisions of the Schedule. The possibility is envisaged that the Commission should in due course be brought within the framework of a specialised agency related to the United Nations.

The power to amend the Schedule may be regarded as the most significant faculty of the Commission. It is necessary that the regulations should be reviewed from year to year. Amendments may need to be made in the light of new information on whales, and to meet changes in economic conditions and fluctuations in the condition of the stock. The existence of the Commission has the advantage that such adjustments can be made without the necessity to call a full conference every year. Para. 2 of Article V reads, "These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilisation of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality

¹ *Final Act of the International Whaling Conference, 20th November—2nd December 1946, with International Convention for the Regulation of Whaling and Protocol in respect of the 1947–48 Season.* Washington, 2 December 1946. London: H.M. Stationery Office, Cmd. 7043, 1947.

of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry." Such amendments become effective ninety days after notification by the Commission to each of the Contracting Governments, but in the meantime there is provision for any Government to lodge an objection.

No amendments to the Schedule become effective before 1 July 1949, and the Schedule itself will not apply prior to 1 July 1948. In the meantime the new Protocol simply extends the provisions of the Protocol covering the season of 1946-47 so as to cover also the season of 1947-48. Among the more important regulations which apply under these Protocols, and which are included in the Schedule to the Convention, are the limit of 16,000 Blue whale units for the total Antarctic catch, the limiting dates to the open season, and the protection of Humpback whales. Specific reference to these is made in the new Final Act. With regard to Humpbacks it is recommended that the Commission should "consider the desirability of either the removal of the prohibition after the 1948-49 season and the southern winter season of 1949, or alternatively a limitation of the number of Humpback whales to be taken both in the Antarctic and tropical areas." It is further recommended "That the Commission should keep under constant review the question of the limits of the Antarctic whaling season and also the maximum number of Blue-whale units . . . permitted to be taken during the season."

A useful Annex to the Final Act is a table of the nomenclature of whales which gives the Latin names of sixteen species together with the various common names in English, French, Netherlands, Russian, Scandinavian and Spanish.

To sum up, it may be said that it was the object of the Conference not to make immediate changes in the actual regulations which apply to whaling, but rather to set the machinery of regulation on a sound and flexible basis, and "to conclude a convention for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry." The Final Act, Convention and Protocol were signed on behalf of all those Governments which were represented by delegates, and the Final Act was signed also on behalf of those which were represented by observers.

N. A. MACKINTOSH