

INTERNATIONAL CONFERENCE FOR THE REGULATION
OF WHALING, LONDON, MAY 24—JUNE 8, 1937

562.8F2/1

The British Ambassador (Lindsay) to the Secretary of State

No. 97

WASHINGTON, March 19, 1937.

SIR: Under instructions from His Majesty's Principal Secretary of State for Foreign Affairs I have the honor to inform you that His Majesty's Government in the United Kingdom propose to hold a conference on whaling in London during April next, and to enquire whether the United States Government will be able to send a representative. I shall shortly be in a position to communicate to you the exact date on which the conference will be opened.

The object of the conference is to bring about an agreement between all the countries interested in whaling on the measures to be taken beyond the restrictions included in the Whaling Convention of 1931,¹ in order to prevent excessive and wasteful exploitation of whale fisheries in the Antarctic during the season 1937-1938. In the last season the British and Norwegian whaling companies agreed voluntarily to restrictions on the length of the season, the number of whale catchers per factory ship, the production of whale oil per factory, and so forth, as a result of protracted discussions between His Majesty's Government and the Norwegian Government; but for the coming season it is hoped to return to more systematic restriction by Government regulations. This is the more important in that Japan, who has not yet acceded to the 1931 Convention is largely increasing her whaling fleet in the Antarctic, and that Germany took part in whaling for the first time last season and will probably operate more ships next season.

In view of these considerations and as at least one factory ship and a number of whale catchers employed in the Southern Hemisphere are registered in the United States of America, His Majesty's Government earnestly hope that the United States Government will be represented at this conference. His Majesty's Governments in the Dominions, and the German, Japanese, Portuguese and Norwegian Governments have also been invited to send representatives.

I have [etc.]

R. C. LINDSAY

¹ Signed by the United States March 31, 1932; Department of State Treaty Series No. 880, or 49 Stat. 3709.

562.8F2/7

The Secretary of State to President Roosevelt

WASHINGTON, April 8, 1937.

MY DEAR MR. PRESIDENT: The British Government has extended invitations to the Governments of the United States, Germany, Japan, Portugal and Norway, and to its own Dominions, to send representatives to a whaling conference to be held in London. The date for convening the conference has been tentatively set for April 26, 1937.²

The object of the conference is to bring about an agreement between all the countries interested in whaling on the measures to be taken beyond the restrictions included in the Whaling Convention of 1931, in order to prevent excessive and wasteful exploitation of whale fisheries in the Antarctic during the season 1937-1938.

According to statistical tabulations made by the Norwegian Committee for Whaling Statistics, the relative toll of immature whales (blue) has increased materially during the past six seasons. During the 1930-1931 season, one out of every six blue whales killed was immature. During the 1935-1936 season, one out of every three killed was immature. Biologists are agreed that the present catch in the Antarctic is more than the stock can sustain.

With the concurrence of the United States Coast Guard, the Commission of Fisheries and the Smithsonian Institution, I should like to appoint the following delegation to represent this Government at the Conference:

Delegates:

Herschel V. Johnson,
First Secretary, American Embassy, London.
Remington Kellogg, Ph. D.
Smithsonian Institution.

Technical Adviser:

Lieutenant, Junior Grade, Q. R. Walsh,³
United States Coast Guard.

The expenses of Dr. Kellogg's attendance at the Conference will be met by the Department of State. Lieutenant Walsh will be in Europe at the time as he has been assigned by the Coast Guard as Enforcement Officer to accompany the whaling factory ship *Ulysses* of American registry to the Antarctic. The *Ulysses* is now outfitting in Norway.

I should appreciate if you would inform me whether the appointment of the above named persons would meet with your approval.⁴

Faithfully yours,

CORDELL HULL

² The date finally set for the Conference was May 24, 1937.

³ Lieutenant Walsh was unable to attend the Conference; Lt. Comdr. Martin O'Neill, United States Coast Guard, was appointed in his place.

⁴ Marginal notation: "C. H. OK F. D. R."

562.8F2/41 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, May 11, 1937—5 p.m.
[Received May 11—2:30 p.m.]

277. From Johnson. Embassy's 274, May 8, 2 p.m.⁵ Following is draft agenda for the International Conference on Whaling:

- “1. Opening address by the Secretary of State for the Colonies.
2. Discussion of results of the whaling season 1936–1937.
3. Measures to be taken for the conservation of the whale stock in the Antarctic—

- (a) During the season 1937–1938.
- (b) For subsequent seasons.

4. The position of countries participating in the Conference who are not at present parties to the International Whaling Convention of 24th September 1931.”

Following comments have been communicated by the Ministry of Agriculture and Fisheries in strict confidence.

“The proposals put forward by the British delegates might include the following—

- (a) Open season of 3 months from 8th December to 7th March following, south of 40 degrees south latitude.
- (b) Complete prohibition of fishing for blue and fin whales during the whole year between the equator and 40 degrees south latitude.
- (c) The length below which blue and fin whales shall be regarded as immature be agreed at 75 feet for blue whales and 55 feet for fin whales.

(d) The number of whales to be delivered to the factory ship at any time to be not greater than can be treated by the plant therein within a period of 24 hours efficiently.

(e) The making by all countries participating in the Conference who have not ratified the International Convention for the Regulation of Whaling for [of] 24th September 1931 for [of] regulations embodying in addition to the above the general conditions regarding whaling laid down in that convention.

If the question of the number catchers to be attached to each factory ship is raised it will be necessary for the British delegation to point out that at present there is no legislation in this country which would enable this to be enforced but that the question of containing such power is under consideration and that in the event of the power being obtained His Majesty's Government are prepared to discuss such limitation for future seasons on the basis of the respective capacity of the factory ships.”

⁵ Not printed.

In conversation with officials of the Ministry of Agriculture and Fisheries I gathered the impression that they are skeptical of achieving entirely satisfactory results at this Conference and that the attitude of Japan and her apparent intention to enlarge as much as possible her present whaling industry are causing them concern. It was frankly admitted that they are very desirous of preserving the British whaling industry from serious damage through ruthless competition but they are more troubled by the prospect of ultimate extinction of the blue whale unless effective international measures can be taken for its preservation. [Johnson.]

BINGHAM

562.8F2/46 : Telegram

*The Ambassador in the United Kingdom (Bingham) to the
Secretary of State*

LONDON, May 15, 1937—1 p.m.
[Received May 15—9:10 a.m.]

289. From Johnson. Embassy's 277, May 11, 5 p.m. Draft agenda has been officially confirmed with no change except that opening address will be made by the Minister of Agriculture and Fisheries who will open the Conference at 4:15 p.m. on Monday, May 24.

Foreign Office states that the following Governments have accepted invitations to the Conference: Canada, New Zealand, Germany, the Argentine and Norway. South Africa is sending an observer. Australia will be represented by the United Kingdom delegates. Portugal has not replied to the invitation. Japan has so far declined to send a representative. [Johnson.]

BINGHAM

562.8F2/47 : Telegram

*The Ambassador in the United Kingdom (Bingham) to the
Secretary of State*

LONDON, May 21, 1937—6 p.m.
[Received May 21—2:20 p.m.]

300. From Johnson. American delegates met this morning with officials of the Ministry of Fisheries for preliminary discussion and received confirmation of British proposals as outlined in the Embassy's 277, May 11, 5 p.m.

Instructions requested by Tuesday morning if possible on the following points.

1. Under Whaling Treaty Act⁶ and joint regulations is it possible to increase the minimum length established for immature blue whales to 75 feet;

2. May the number of killer boats accompanying each factory be restricted to a definite number;

3. May the daily catch be restricted to the number of whales that can be converted into commercial products within 24 hours?

Foreign Office has just advised that the Irish Free State will be represented at the Conference and that the Portuguese Government will send an observer. [Johnson.]

BINGHAM

562.8F2/49 : Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Bingham)

WASHINGTON, May 24, 1937—7 p.m.

195. For Johnson. Embassy's 300, May 21, 6.00 p.m. To raise the minimum length of immature blue whales to 75 feet will necessitate amending the Whaling Act which stipulates under Section 4 the minimum length of blue whales as 60 feet. The limitation of the number of killer boats accompanying each factory and the restriction of the daily catch to the amount that can be converted within 24 hours can be accomplished by modifying the regulations authorized under Section 5 and issued jointly by the Secretary of Commerce and the Secretary of the Treasury⁷ for the purpose of carrying out the objectives of the Convention.

WELLES

562.8F2/56 : Telegram

The Secretary of State to the Ambassador in the United Kingdom (Bingham)

WASHINGTON, June 2, 1937—3 p.m.

215. For Johnson. Your 322, May 31, 5.00 p.m.⁸ You are instructed to propose for inclusion in final convention revision a stipulation to protect gray whale similar to that contained in Section 7 of the American Whaling Act.

HULL

⁶ Approved May 1, 1936; 49 Stat. 1246.

⁷ *Federal Register*, October 17, 1936, p. 1616.

⁸ Not printed.

562.8F2/59 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, June 4, 1937—1 p.m.

[Received June 4—10 a.m.]

345. From Johnson. The Whaling Conference was informed last night by the British Chairman that, according to advice received from the Foreign Office, the Japanese Government has signified its sympathy with the objectives of the present Conference and has said that the only reason it did not participate was lack of qualified personnel; Japan expects, however, to be represented at the next international conference on whaling. It was said that a statement signifying its sympathy with the purposes of the Whaling Conference is to be given to the Tokyo press by the Japanese Government today. [Johnson.]

BINGHAM

562.8F2/64

Communiqué Issued to the Press by the International Whaling Conference, London, June 8, 1937

The International Conference on the Whaling Industry concluded its business this morning with the signature of an Agreement for the regulation of Whaling in all waters.⁹

The Agreement was signed by the accredited representatives of the Governments of the Union of South Africa, 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.

The following Governments were also represented at the Conference by Observers, viz:—Canada, and Portugal, and there is good reason to hope that they will shortly accede to the Agreement. It is hoped also to secure the adhesion of other Governments who did not take part in the conference but have whaling interests to preserve.

The Agreement is to come into force on the 1st July, next, but is subject to ratification. Subject to this the Agreement will be in full force until June 30th, 1938, and provision is made for its continuance thereafter subject to the provision that any Government may withdraw from it on giving six months notice to terminate on the following thirtieth of June.

The Agreement follows, on the whole, familiar lines. There will be a close season for what is known as pelagic whaling, that is whal-

⁹ For text of the Agreement signed June 8, 1937, see Department of State Treaty Series No. 933, or 52 Stat. 1460.

ing prosecuted by whale catching ships attached to floating factories, for nine months of the year, except in the first year of its operation, when the open season will be extended by one week at the end of the season.

North of 40° South Latitude as far as the Equator pelagic whaling for baleen whales is absolutely prohibited and this prohibition is extended to wide areas north of the Equator. For instance, pelagic whaling by ships of the contracting Governments is prohibited North of the Equator in the whole of the Atlantic Ocean, Davis Strait, Baffin Bay and the Greenland Sea, in the Indian Ocean and in the Pacific Ocean south of 35° North Latitude east of 150° West Longitude and south of 20° North Latitude west of that Longitude.

Certain species of whales—the various Right Whales and the Grey Whale—are protected absolutely as are all whale calves and female whales attended by calves.

It is also forbidden to kill whales below certain size limits, the size limits being raised above those which have been prescribed by agreement between the United Kingdom and Norway in the past. Under the Agreement it will not be lawful to take blue whales of less than 70 ft. in length, fin whales of less than 55 ft., humpback whales of less than 35 ft., and sperm whales of less than 35 feet. The extension of this form of protection to the sperm whale, which has not hitherto received any protection is one of the novelties of the Agreement.

Whaling at land stations is to be subject to a six months close season. The dates of the beginning and ending of the close season will vary according to the latitude of the station. The extended period of liberty to hunt whales from land stations is justified by the fact that their operations are limited by the fact that they can only take such whales as come into their vicinity, whereas the factory ships can follow the schools of whales wherever they may be.

The agreement is accompanied by a final act in which the Conference discusses various matters not dealt with in the Agreement and recommends to the Governments that they should prepare to take in agreement with one another other measures for the further protection of whales in the light of further experience and knowledge. An important suggestion among others is that the Governments should take powers to regulate the methods of shooting whales with a view to preventing the loss of whales fatally wounded through the use of defective guns or harpoons or other causes and at the same time mitigating the cruelty which admittedly attends this process.

The Conference further points out that the measures they have agreed upon may prove nugatory if the ships of countries not parties to the Agreement are permitted to indulge in unregulated whaling

and urges the importance of persuading all interested Governments to accede to the Agreement. It concludes with a warning that unless whaling is now strictly regulated, the stock of whales cannot fail to be reduced to a level at which whaling ceases to be remunerative.

562.8F2/97

The Secretary of State to the Minister in Canada (Armour)

No. 950

WASHINGTON, August 23, 1937.

SIR: There are enclosed herewith for the information and use of the Legation two copies of the International Agreement for the Regulation of Whaling signed at London on June 8, 1937, by the United States, the Union of South Africa, the Argentine Republic, Australia, Germany, the United Kingdom, the Irish Free State, New Zealand and Norway (Executive U, 75th Congress, 1st Session). The injunction of secrecy has been removed from the document. The Senate gave its advice and consent to ratification on August 5, 1937, and the President ratified the Agreement on August 13, 1937. The ratification of the United States has been forwarded to London for deposit with the British Foreign Office, as required by Article 19 of the Agreement.

The agreement of June 8, 1937, supplements and extends but does not supplant or impair the International Convention for the Regulation of Whaling concluded at Geneva September 24, 1931, to which both Canada and the United States are signatory and ratifying countries. That convention is reprinted in the enclosed document (pages 29-37).

At the conference at London May 24-June 8, 1937, Canada was represented by an observer who did not sign the agreement. In Article 22 it is provided that any Government which has not signed the agreement may accede thereto at any time after the agreement has come into force.

In paragraph 9 of the Final Act, the conference recommended that the contracting Governments should take steps to prevent the agreement and any regulations made thereunder from being defeated by the transfer of ships registered in their territories to the flag of another Government not a party to the agreement, and suggested that for this purpose it might be provided by each party to the agreement that the transfer of a factory ship or whale catcher from its national flag to the flag of any other country should be permitted only under license of the Government under whose flag the ship was already registered. The laws of the United States now require ships documented thereunder to obtain approvals from the Maritime Commis-

sion before transferring their registration to a foreign flag, which it is believed cover the situation contemplated by paragraph 9 of the Final Act. The appropriate administrative Departments of the Government will, however, give careful consideration to the recommendation of the conference and to the existing legislation with a view to determining whether any amendments should be made in the law now in force with a view to strengthening it.

In paragraph 10 of the Final Act, the conference expressed the hope that the Governments which had representatives present at the conference who did not sign the agreement will eventually accede to the agreement and urged the contracting Governments to use their utmost endeavors to secure the adhesion of such powers as are interested in the whaling industry but were not represented at the conference.

The Department understands that six or more whale catchers of American registration operate in or near Alaskan waters in connection with Alaskan shore stations and that one or more floating factory ships documented under the laws of the United States are operating on distant oceans. It foresees that, if Canada does not become a party to the new whaling agreement, some of these ships may seek registration under the Canadian flag with a view to being free with respect to those provisions of the new agreement which place greater restrictions on the taking and killing of whales than are placed on such taking and killing under the convention of 1931. It may therefore be a matter of considerable importance to the United States in giving complete effect to the provisions of the agreement of June 8, 1937, that Canada also should become a party to that agreement.

The Department would be glad if you could mention the above stated situation informally and confidentially to the appropriate officials of the Canadian Government leaving with them one of the enclosed copies of the Senate Document. You should inform them that the United States has ratified the whaling agreement of June 8, 1937, and that its ratification has been forwarded to London for deposit with the British Foreign Office. You might inquire whether the agreement is of sufficient interest to the Canadian Government for that Government to have given consideration to adhering to it, and also whether, in the event that any American whaling ships, whether factory ships or whale catchers, should undertake to register under the Canadian flag, the Canadian Government could suspend decision with reference to any such application and would inform the United States of it.

Very truly yours,

For the Secretary of State:
R. WALTON MOORE

562.8F2/109

The Minister in Canada (Armour) to the Secretary of State

No. 1637

OTTAWA, September 25, 1937.

[Received September 30.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 950 of August 23, 1937, enclosing for the information and use of the Legation two copies of the International Agreement for the Regulation of Whaling signed at London on June 8, 1937, and informing me that the ratification of this Agreement by the United States has been forwarded to London for deposit with the British Foreign Office, as required by Article 19 of the Agreement.

Under date of August 26th last I called on Dr. Skelton, Under-Secretary of State for External Affairs, and discussed the matter informally with him along the lines of the Department's instruction. At the same time I left with Dr. Skelton a memorandum, a copy of which is enclosed herewith,¹⁰ setting forth the principal points covered in the instruction.

In particular, I expressed the hope to Dr. Skelton that the Canadian Government might give consideration to adhering to the agreement.

Dr. Skelton told me that he had never really understood why Canada had not been a party to the original agreement instead of being represented only by an observer. However, it was too late for that but his Government would certainly be glad to give the matter, as presented by our Government, its earnest consideration. Dr. Skelton told me that the matter would be turned over to Mr. Loring Christie of his Department to take up with the competent Departments of the Canadian Government.

On September 23rd last I called by appointment on Mr. Loring Christie who handed me a memorandum dated September 21st, copy of which is enclosed herewith.¹⁰ From this memorandum the Department will note that the Canadian Government has decided to accede to the Agreement and that the necessary instructions have been issued in order that the notice of accession, pursuant to Article 22 of the Agreement, may be given to the Government of the United Kingdom at such time as may be found appropriate.

Mr. Christie explained the wording of this paragraph of his Government's memorandum as meaning that under Article 22 of the Agreement "any Government which has not signed the present Agreement may accede there at any time after it has come into force". (The underscoring is my own.) Mr. Christie said that the Canadian Government's information indicated that the Agreement had not yet

¹⁰ Not printed.

been ratified by a sufficient number of signatories as provided in Article 19 of the Agreement but that, under the instructions given, the Canadian Government, presumably through the High Commissioner at London, would be able to accede to the Agreement as soon as it came into force.

I presume that the Canadian Government is correct in its assumption that now that a decision has been reached for that Government to accede to the Agreement¹² the arrangement suggested in the last sentence of the Department's instruction regarding notification in the event of transfer of ships from American to Canadian registry, need not now be regarded as necessary.

Respectfully yours,

NORMAN ARMOUR

¹² Canada acceded to the International Whaling Agreement on June 14, 1938.