



REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA

FA2

DEPARTEMENT VAN BUITELANDSE SAKE
DEPARTMENT OF FOREIGN AFFAIRS

No.

70/7

Vol 4

ONDERWERP · SUBJECT

INTERNATIONAL COUNCIL FOR THE EXPLORATION
OF THE SEA WITH REGARD TO WHALING
THE INTERNATIONAL CONTROL OF WHALING.

Verwante lêers:

Relative files:

B 29.37

E 21.5.43.

CLOSED SEE VOL 5

P.M.107/5.

PRETORIA.

30 August, 1937.

2-SEP-1937

Sir,

I have the honour, by direction of the Prime Minister, to acknowledge the receipt of your letter of the 25th August, on the subject of the withdrawal of the Union Government from the International Agreement for the Regulation of Whaling, signed in London on the 8th June last, and to inform you that your representations are receiving the earnest consideration of His Majesty's Government in the Union of South Africa.

A further communication will be addressed to you as soon as possible.

I have the honour to be,

Sir,

Your obedient Servant,

E. R. BOYD

ACTING SECRETARY TO THE PRIME MINISTER

High Commissioner
the United Kingdom,
PRETORIA.

JEB/SL.

P.M.
PRETORIA.

4 - SEP 1937
30th August, 1937

THE SECRETARY FOR COMMERCE & INDUSTRIES:

International Agreement for the Regulation
of Whaling (London, 8th June, 1937).

I transmit herewith, for your consideration, copies of a letter dated the 25th August, which has been received from the High Commissioner for the United Kingdom on the subject of the withdrawal of the Union Government from the International Agreement for the Regulation of Whaling, signed in London on the 8th June, 1937.

A copy of minute No. 19/88 dated the 16th August from the High Commissioner of the Union of South Africa in London is attached for your information.

(sgd) A. Mertsch

ACTING SECRETARY FOR EXTERNAL AFFAIRS.

JRB
30/8

JEB/SL.

19/88.

19th August, 1937.

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

I am directed by the High Commissioner to refer to his Minute of the 16th August, N^o 19/88, and to his telegram N^o 438 of the 19th August, and to forward herewith a copy of a letter dated 18th August from the Ministry of Agriculture and Fisheries, putting forward certain considerations urging the Union Government to reconsider its decision to withdraw from the International Whaling Agreement.

E. K. SCALLAN
Acting
Political Secretary.

P.S. I attach a copy of a further letter, dated 19th August, which has been received from the Department of Agriculture and Fisheries.

EKS/PG.

call it, were removed, they might be prepared to put up with the size limits.

My Norwegian informant told me that he thought both Companies would be prepared to observe the regulations as regards the Antarctic fishing, which is of course the most important. On the other hand, the regulation of the land stations is very important, because, although their range of operations is limited, they are in fact killing the whales just at the time when they ought not to be killed, that is to say, when they are in poor condition; and of course it is most undesirable that they should kill the young whales.

Yours sincerely,

(Signed) HENRY G. MAURICE

P.S. My informant told me that the Principals of both Companies, Mr. Johnson ("Tafelberg") and Mr. Larsen ("Fraternitas") were now in, or on their way to, South Africa.

C. T. de Water, Esq.,
High Commissioner for
The Union of South Africa.

-5-

P.S. I attach a copy of a further letter, dated 19th August, which has been received from the Department of Agriculture and Fisheries.

EKS/PG.

by speaking of "a factory ship or a whale catcher attached thereto" is to refer to the expedition as a whole. When the Antarctic fishing is over, there is nothing in the Agreement, as we read it, to prevent some of the catchers from being sent to work at a land station. It happened that last year there was a voluntary agreement between owners that catchers used in the Antarctic should not be used in connection with land stations, but that was part of a general ^{voluntary} agreement for limiting catching power.

(2) The second objection of these Companies to the Agreement relates to the size limits, as I suspect ^{ad}. They have been used to killing a number of small whales at the land station, and I understand they maintain that the whales which come within reach of the land stations are, on average, smaller than those fished in the Antarctic. This is, in my opinion, probably incorrect, and no more than an excuse.

We cannot, of course, remove the objection on the score of size limits, because the ~~commitment~~ ^{undertaking} to protect the whale up to something like maturity is fundamental to the Agreement; but we can remove the objection on the score of limitation of the ^{use} ~~size~~ of catchers, and I think it would be worth while if you would inform the Union Government that you have heard that this is one of the principal objections emanating from South Africa, and that it is based on misapprehension. Possibly if this grievance, as I suppose one must

-2-

P.S. I attach a copy of a further letter, dated 19th August, which has been received from the Department of Agriculture and Fisheries.

EKS/PG.

19th August, 1937.

Dear Mr. de Water,

This morning I had a conversation by telephone with a Norwegian whaler, partner in one of the largest English Companies, who is at the headquarters of Norwegian whaling at Tonsberg in Norway. I asked him for information as to the general attitude of the two Companies whose ships are registered in the Union of South Africa, namely, "Tafelberg" and "Fraternitas".

He has had conversations with both Companies, and he tells me that, as he understands the matter, they brought pressure to bear on the Union Government not to ratify the Convention, for the following two reasons:-

(1) They understood the combined effect of Articles 7 and 9 to be that whale catchers which have been used in connection with a factory ship in the Antarctic could not subsequently be used in connection with a land station further north. We do not so read the Article. We interpret the words "A factory ship or a whale catcher attached thereto" as meaning "a factory ship or a whale catcher for the time being attached thereto", and, in fact, that all that is meant

-1-

P.S. I attach a copy of a further letter, dated 19th August, which has been received from the Department of Agriculture and Fisheries.

EKS/PG.

Government of the United Kingdom that they will not be able to ratify just yet. A good deal will, I suppose, depend upon what they have said at home; if they have announced at home that they will not ratify, it may be rather difficult for them to explain that all that they meant was that they would not ratify just now. But I greatly hope that they may be able to act on the suggestion which I have advanced in this letter. I am sure that you will be able to put the matter to them in the right light.

I am very much obliged to you for giving me so much of your time yesterday; it was a great pleasure to me to discuss this difficult question with you personally.

Yours very sincerely,

(Signed) HENRY G. MAURICE

C. T. to Water, Esq.

4

P.S. I attach a copy of a further letter, dated 19th August, which has been received from the Department of Agriculture and Fisheries.

EKS/PG.

If you turn back to Article 19, you will see that the Agreement is to be ratified and is to come into force upon the deposit of instruments of ratification by a majority of the signatory Governments, including those of the United Kingdom, Germany and Norway, and for any other Government not included in such majority on the date of the deposit of instruments of ratification.

If, therefore, the Union Government can see its way to withdraw its notification of withdrawal, or regard it as merely an explanation of their failure to ratify at once, the present Agreement will remain in force provisionally for all the signatory Governments, because the time has now expired within which they could signify their unwillingness to ratify. If, on the other hand, the Union Government maintains its withdrawal - which, as far as I can judge, is from their point of view quite unnecessary - we are obliged to notify the other Governments, and each of them can within a month withdraw its ratification, if already made, or signify its unwillingness to ratify if it has not ratified already. That is the situation I am anxious to avoid.

I think it is quite possible that the Union Government have not fully understood the significance of Article 20, and that they might, therefore, be willing to withdraw their notification, or, as I have suggested, treat it merely as an intimation to the

-3-

P.S. I attach a copy of a further letter, dated 19th August, which has been received from the Department of Agriculture and Fisheries.

EKS/PG.

proviso that this provisional application of the Agreement shall cease in respect of any Government which within two months signifies that it is "unwilling to ratify." In other words, a Government which avails itself of that proviso becomes free of the Agreement altogether, and enters upon any further discussion of it 'de novo'. If the Government simply does nothing, it remains bound in so far only as it is in a position to enforce the terms of the Agreement. Unwillingness to ratify may be interpreted, and I think was meant to be interpreted, as a change of mind about the Agreement, so that the Government in question refuses to bind itself. Inability to ratify for the time being was the very circumstance which the Article was intended to meet.

In fact the Article arose out of doubts expressed by some of the Delegates as to whether their Governments would be able immediately to ratify because they might not possess all the necessary powers. As a way out of this difficulty, and having regard to the urgency of getting an agreement to cover the approaching season, the Argentine Ambassador suggested the importation of this Article, which would enable us to reach an agreement, effective, so far as the signatory Powers were able to put it into effect, at once, leaving the question of final ratification on one side for the present.

-2-

P.S. I attach a copy of a further letter, dated 19th August, which has been received from the Department of Agriculture and Fisheries.

EKS/PG.

(Copy)

MINISTRY OF AGRICULTURE AND FISHERIES,
Fisheries Department,
43, Parliament Street,
London, S.W.1.
18th August, 1937.

Dear Mr. de Water,

There is a point which I ought to have put to you yesterday and which I stupidly forgot. It is not essential, in my opinion, that the Union Government should ratify the Convention immediately. What is important is that they should withdraw their notification that they are "unwilling to ratify."

Actually, the terms of Mr. Scallan's letter of the 6th August state that the Union Government has "reluctantly decided
... that they have no alternative but to withdraw from the Agreement", but intimates that they propose to take part in the next Conference if by then the difficulties which they at present encounter have been overcome. It is just that withdrawal which I am anxious to avoid.

If you look at Article 20 of the Agreement, you will see that it provides that the Agreement shall come into force provisionally on the 1st July, 1937, "to the extent to which the signatory Governments are respectively able to enforce it." Then follows the

-1-

Political Secretary.

P.S. I attach a copy of a further letter, dated 19th August, which has been received from the Department of Agriculture and Fisheries.

EKS/PG.

P.M. 10/5



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

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

UNION OF SOUTH AFRICA.

19/88.

19th August, 1937.

*Ikater
3 afskrifte van
brief en bylaes ad
JRS
30/8*

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



I am directed by the High Commissioner to refer to his Minute of the 16th August, N^o 19/88, and to his telegram N^o 438 of the 19th August, and to forward herewith a copy of a letter dated 18th August from the Ministry of Agriculture and Fisheries, putting forward certain considerations urging the Union Government to reconsider its decision to withdraw from the International Whaling Agreement.

Deallan
Acting
Political Secretary.

P.S. I attach a copy of a further letter, dated 19th August, which has been received from the Department of Agriculture and Fisheries.

AD

PRETORIA.

2nd September, 1937.

2-SEP-37

THE SECRETARY FOR COMMERCE & INDUSTRIES:

International Agreement for the Regulation of Whaling (London, 8th June, 1937).

With reference to my evenly numbered minute of the 30th August, on the subject of the withdrawal of the Union Government from the above Agreement, I transmit herewith, for your consideration, copies of communication No. 19/88 dated the 19th August from the Acting Political Secretary, London, forwarding certain letters received from the British Ministry of Agriculture and Fisheries.

(sga) A. Meertsche.
ACTING SECRETARY FOR EXTERNAL AFFAIRS.

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JEB/SL.

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intimation to British Government that it is not possible for Union to ratify Agreement at the present time. British Government further most anxious to know whether Union will arrange for two factory ships Tafelberg and Fraternitas to carry inspectors during Antarctic Season. In this connection please refer to page 102 of Trade Commissioner's report of August 6th and advise decision. **Matter most urgent.**

International agreement for the Regulation of Whaling (London, Feb 20th, 1927).

This agreement is of special interest in view of the fact signed, on the subject of the extension of the whaling season from the above agreement, a similar agreement for your consideration, copies of which have been sent to the British Legation from the United Kingdom Secretary, London, forwarding copies of which received from the British Ministry of Agriculture and Fisheries.

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Handwritten: Dept of Customs
UNITED STATES DEPARTMENT OF COMMERCE

TELEGRAM.

FROM: High Commissioner's Office, London.

TO: Minister of External Affairs, Pretoria.

10th September, 1937.

IMMEDIATE.

No. 447. Urgent. Reference ratification International Whaling Agreement British Government most anxious to know whether Union Government adhere to previous decision or whether (it) has been found possible to comply with urgent request contained in letter from Ministry of Fishery of August 18th copy of which forwarded with minute of August 19th, namely, to withdraw formal notification that Union unwilling to ratify agreement and rather to rely on protection afforded in Article XX of the Agreement. British Government received letter from Norwegian Government asking that Union Government should be advised that both Governments of opinion that nothing in agreement to prohibit whale catchers attached to factory ships being transferred to land stations after completion of Antarctic season. Union only country which exercised its right not to ratify agreement within specified time. Should Union adhere to its previous attitude British Government obliged to notify all other signatory Governments and there is every danger of other signatory Governments thereupon deciding to exercise their right in also withdrawing from the agreement. Result will be to nullify whole Agreement and made it most difficult next year again to get same degree of unanimity amongst interested Governments as was the case this year. British Government most anxious to avoid and they therefore once more wish to urge that Union Government should treat its previous notification merely as an intimation.....

intimation to British Government that it is not possible for Union to ratify Agreement at the present time. British Government further most anxious to know whether Union will arrange for two factory ships Tafelberg and Fraternitas to carry inspectors during Antarctic Season. In this connection please refer to page two of Trade Commissioner's report of August 6th and advise decision. Matter most urgent.

TELEGRAM.



FROM: High Commissioner's Office, London.
TO: Minister of External Affairs, Pretoria.

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No. 447. Urgent. Reference ratification International Whaling Agreement British Government most anxious to know whether Union Government adhere to previous decision or whether (it) has been found possible to comply with urgent request contained in letter from Ministry of Fishery of August 18th copy of which forwarded with minute of August 19th, namely, to withdraw formal notification that Union unwilling to ratify agreement and rather to rely on protection afforded in Article XX of the Agreement. British Government received letter from Norwegian Government asking that Union Government should be advised that both Governments of opinion that nothing in agreement to prohibit whale catchers attached to factory ships being transferred to land stations after completion of Antarctic season. Union only country which exercised its right not to ratify agreement within specified time. Should Union adhere to its previous attitude British Government obliged to notify all other signatory Governments and there is every danger of other signatory Governments thereupon deciding to exercise their right in also withdrawing from the agreement. Result will be to nullify Whole Agreement and made it most difficult next year again to get same degree of unanimity amongst interested Governments as was the case this year. British Government most anxious to avoid and they therefore once more wish to urge that Union Government should treat its previous notification merely as an intimation.....

Urgent
Gesuur aan Standaard en Nywerheid

DOORWAGING
VIT

Datum 11/8/37. Para. 278

P.M. 107/5



AM.

er's Office, London.
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10th September, 1937.

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Reference ratification Inter-
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Handwritten note: Gestuur aan Handel en Nywerheid

Handwritten note: VIR VERRENDERING OORWEGING

Handwritten note: Datum 11/9/37. Paraaf. 878

117 107/5



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10th September, 1937.

Reference ratification Inter-
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and they therefore once more wish to urge that Union Govern-
ment should treat its previous notification merely as an
intimation.....

Datum 11/8/37 Paraal. 878

*gestuur aan Brandel en Nyroelid
DORWAGING
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DRAFT.

TO OPPOSITELY LONDON.

Your telegram No. 447. Union Government prepared to treat its previous notification withdrawal International Whaling Agreement merely as intimation to British Government that it is not possible for Union Government to ratify Agreement at present time Stop Amended decision taken on clear representations through you regarding interpretation articles seven and nine as not prohibiting whale catchers attached to factory ships being transferred to land stations after completion of Antarctic season Stop Further that in present absence Central Government legislation article twenty can be relied on as affording Government necessary protection for inability to take action in matters at present under provincial control including whaling North of forty degrees South Latitude Stop Appointment inspectors on factory ships receiving consideration.

FMA.

Telegraphic Address "NYWERCOM."
Telegramadres



C.I. 1.
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. 404/50
No. M.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.....17th September, 1937.....7-

THE SECRETARY FOR EXTERNAL AFFAIRS :



International Agreement for the Regulation
of Whaling.

Your No. P.M.107/5 refers. I am directed
by the Minister of Commerce and Industries to request
that the attached cable be despatched to the High
Commissioner, London.

It will be noted that this reply from the
Union Government is urgently awaited.

*Delivered
despatched 17/9/37
& confidential copy
sent to C.I. on 18/9/37*

W. J. van der Merwe
/ SECRETARY FOR COMMERCE AND INDUSTRIES.

TELEGRAM.

UNION OF SOUTH AFRICA

FROM: Minister of External Affairs, Pretoria.

TO: Oppositely, London.

17th September, 1937.

Immediate. No. 460. With reference to your telegram of the 10th September No. 447. Union Government prepared to treat their previous notification of withdrawal International Whaling Agreement merely as intimation to British Government that it is not possible for Union Government to ratify agreement at present time. Amended decision taken on clear representations through you regarding interpretation of Articles seven and nine as not prohibiting whale catchers attached to factory ships being transferred to land stations after completion of Antarctic season. Further that in present absence central Government legislation article twenty can be relied on as affording Union Government necessary protection for inability to take action in matters at present under provincial control, including whaling of forty degrees, South latitude. Appointment of inspectors on factory ships receiving consideration.

TELEGRAM.

FROM: Minister of External Affairs, Pretoria.

TO: Oppositely, London.

17th September, 1937.

Immediate. No. 460. With reference to your telegram of the 10th September No. 447. Union Government prepared to treat their previous notification of withdrawal International Whaling Agreement merely as intimation to British Government that it is not possible for Union Government to ratify agreement at present time. Amended decision taken on clear representations through you regarding interpretation of Articles seven and nine as not prohibiting whale catchers attached to factory ships being transferred to land stations after completion of Antarctic season. Further that in present absence central Government legislation article twenty can be relied on as affording Union Government necessary protection for inability to take action in matters at present under provincial control, including whaling north of forty degrees, South latitude. Appointment inspectors on factory ships receiving consideration.

TELEGRAM.

FROM: Minister of External Affairs, Pretoria.

TO: Oppositely, London.

17th September, 1937.

Immediate. No. 460. With reference to your telegram of the 10th September No. 447. Union Government prepared to treat their previous notification of withdrawal International Whaling Agreement merely as intimation to British Government that it is not possible for Union Government to ratify agreement at present time. Amended decision taken on clear representations through you regarding interpretation of Articles seven and nine as not prohibiting whale catchers attached to factory ships being transferred to land stations after completion of Antarctic season. Further that in present absence central Government legislation article twenty can be relied on as affording Union Government necessary protection for inability to take action in matters at present under provincial control, including whaling north of forty degrees, South latitude. Appointment inspectors on factory ships receiving consideration.

P.M. 167/5.

TELEGRAM.

FROM: Minister of External Affairs, Pretoria.

TO: Oppositely, London.

17th September, 1937



Immediate. No. 460. With reference to your telegram of the 10th September No. 447. Union Government prepared to treat their previous notification of withdrawal International Whaling Agreement merely as intimation to British Government that it is not possible for Union Government to ratify agreement at present time. Amended decision taken on clear representations through you regarding interpretation of Articles seven and nine as not prohibiting whale catchers attached to factory ships being transferred to land stations after completion of Antarctic season. Further that in present absence central Government legislation article twenty can be relied on as affording Union Government necessary protection for inability to take action in matters at present under provincial control, including whaling north of forty degrees, South latitude. Appointment inspectors on factory ships receiving consideration.

Gestuur aan *Handel en Nyeerheid*
 vir informasie
 handel

23 SEP 1937
 17-9-1937
 [Signature]

TELEGRAM.

FROM: High Commissioner's Office, London.

TO: Secretary for External Affairs, Pretoria.

22nd September, 1937.

With reference to your telegram of the 17th September No. 447. Union Government No. 449. Urgent. With reference to your telegram of the 17th September, No. 460, British Government anxious to have Union Government's decision regarding Inspector for Antarctic whaling vessels by September, 25th latest as, should United Kingdom be required again to provide an inspector as last year, essential letter should leave England for Norway on October, 1st at the latest.

ships being transferred to land stations after completion of Antarctic season. Further that in present absence central Government legislation article treaty can be relied on as affording Union Government necessary protection for inability to take action in matters at present under provincial control, including whaling north of forty degrees, South latitude. Appointment inspectors on factory ships receiving consideration.

[Faint handwritten notes and signatures at the bottom of the page, including a signature that appears to be "W. G. ..."]

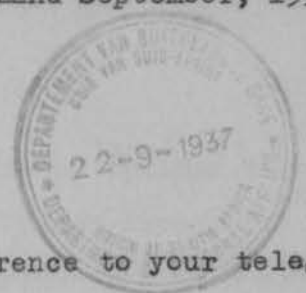
P.M. 10/5

TELEGRAM.

FROM: High Commissioner's Office, London.

TO: Secretary for External Affairs, Pretoria.

22nd September, 1937.



No. 449. Urgent. With reference to your telegram of the 17th September, No. 460, British Government anxious to have Union Government's decision regarding Inspector for Antarctic whaling vessels by September, 25th latest as, should United Kingdom be required again to provide an inspector as last year, essential latter should leave England for Norway on October, 1st at the latest.

*Doorgesend
per hand*
Bestuur a.w.

Handel & Nysscheid
oorweging
vir informasie
afhandeling

Datum *22/9/37* Persoel *[Signature]*

*Setho het gesien.
22/9*

PM 107/5

- (iii) In the Pacific Ocean west of the 150th degree of West Longitude between the 40th degree of South Latitude and the 40th 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, fresh 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 tongs 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 _____

London.

rs, Pretoria.

1 September, 1937.



Re to your telegram
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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.

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.

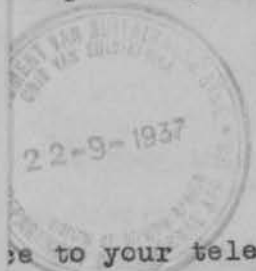
Pursuant to the provisions of the Whaling Industry (Regulation) Act, 1934, and the Whaling Industry (Sperm Whales) Order, 1937, authority is hereby granted to Messrs. _____ owners/charterers of the

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 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;

P.M. 107/5

London.
 Pretoria.
 September, 1937.



to your telegram
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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, 1937.

10. The Whaling Industry (Ship) Regulations, 1936,^(a) are hereby revoked.

Dated this 30th day of July, 1937.

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:—

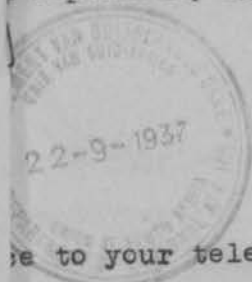
1. In the Atlantic Ocean north of the 40th degree of South Latitude and in the Davis Strait, Baffin Bay and Greenland Sea;
2. In the Pacific Ocean east of the 150th degree of West Longitude between the 40th degree of South Latitude and the 35th degree of North Latitude;

(a) S.R. & O. 1936 (No. 856) I, p. 926.

London.

Ms, Pretoria.

September, 1937.



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(ii) 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—

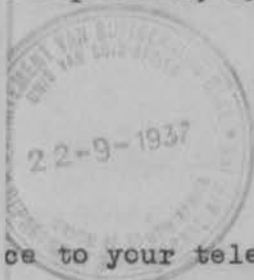
The quantity produced, if any, of meal, guano or other products specified separately.

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.

P.M. 10/7/37
London.

rs, Pretoria.

d September, 1937.



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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.

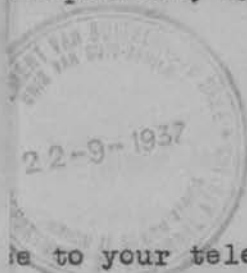
Provided that—

- (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.

London.

1937, Pretoria.

1 September, 1937.



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STATUTORY RULES AND ORDERS

1937 No. 737

FISHERIES

Whaling Industry

THE WHALING INDUSTRY (SHIP) REGULATIONS, 1937, DATED JULY 30, 1937, 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:

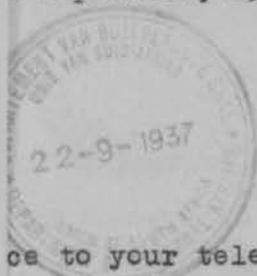
And whereas the Whaling Industry (Sperm Whales) Order, 1937 (hereinafter referred to as "the Order") was made on the first day of July, 1937, applying the provisions of the Act to sperm whales as defined in the said Order:

P.M. 107/5-

London.

rs, Pretoria.

d September, 1937.



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PM 107/5

No. 737

UNION OF SOUTH AFRICA
Circular despatch A No. 15

Downing Street,
11 September, 1937.



Sir,

With reference to my Circular despatch A No.13 of the 17th August, I have the honour to transmit the accompanying copies of Statutory Rules and Orders, 1937, No.737 containing the Whaling Industry (Ship) Regulations, 1937.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Malcolm MacDonald

THE MINISTER OF EXTERNAL AFFAIRS,
UNION OF SOUTH AFRICA.

Gestuur aan *Handel en Nijverheid*
vir informasie
amandeling
Datum 24.9.37. Paraaf *[Signature]*

CABLE.

Your telegram 21/9 x In view of absence of legislation enabling Central Government to enforce provisions of Agreement or to deal with cases of infringement the appointment of Inspectors in terms of Article one will serve no purpose. Union Government regrets therefore that under present circumstances appointment of Inspectors cannot be sanctioned.

DEPARTMENT OF COMMERCE AND INDUSTRIES,

PRETORIA.

25th September, 1937.

FNA.

Telegraphic Address "NYWERCOM."
Telegramadres



C.I. 1.
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.....25th September,.....193.....7-

THE SECRETARY FOR EXTERNAL AFFAIRS : PRETORIA.

International Agreement for the Regulation
of Whaling.

Your No. P.M. 107/5 refers. I am directed
by the Minister of Commerce and Industries to request
that the attached cable be despatched to the High

Commissioner, London.

*Telegram
affiliated 25/9.
recd
1/27/9.*

SECRETARY FOR COMMERCE AND INDUSTRIES.

FMA.

legislation, Article 20 can be relied upon to afford to the Union Government the necessary protection for their inability to take action in matters at present under provincial control, including whaling north of forty degrees, South latitude.

I have the honour to be,

Sir,

Your obedient Servant,

H. D. J. BODENSTEIN

SECRETARY FOR EXTERNAL AFFAIRS.

*Tolson
Appointments
1/1/20*

H. D. J. Bodenstein

SECRETARY FOR COMMERCE AND INDUSTRY.

P.M. 107/5.

PRETORIA,

27th September, 1937.

28 SEP 1937

Sir,

I have the honour to refer to your letter of the 25th August, 1937, on the subject of the Union Government's notification of withdrawal from the International Agreement for the Regulation of Whaling signed in London on the 8th June last, and am directed to inform you that the High Commissioner for the Union of South Africa, London, has been requested by telegram to advise your Government that the Union Government are prepared to treat their previous notification of withdrawal from the Agreement merely as an intimation to your Government that it is not possible for the Union Government to ratify the Agreement at the present time.

This amended decision has been taken as a result of intimations by your Government to the Union Government, through the office of the High Commissioner for the Union of South Africa, London, that, in view of the British and Norwegian Governments, Articles seven and nine of the Agreement do not prohibit whaling catchers attached to factory ships from being transferred to land stations after completion of the Antarctic expedition and that further, in the absence of Central Government legislation

copy 127/9

The High Commissioner
for the United Kingdom,
P R E T O R I A.

G.P. 3. 1937-1938-140,000
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P.M. 107/5

UNION OF SOUTH AFRICA

No. 99

Downing Street,
14 September, 1937.



Sir,

With reference to my Circular despatch A No. 6 of the 25th June, I have the honour to inform you that the instrument of ratification by the President of the United States of the Agreement for the regulation of Whaling signed at London on the 8th June, 1937, was deposited in the archives of the Foreign Office on the 3rd September, 1937.

2. This despatch is being sent to the Commonwealth of Australia No. 284 New Zealand No. 249 the Union of South Africa No. 99 the Irish Free State No. 125 and Newfoundland No. 399

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Malcolm MacDonald

Gestuur aan *Staatsekretaris*

vir informasie

Datum *21.9.37*

THE MINISTER OF EXTERNAL AFFAIRS,

UNION OF SOUTH AFRICA

TELEGRAM.

FROM: Secretary for External Affairs, Pretoria.
TO: High Commissioner, London.

25th September, 1937.

IMMEDIATE:

No. 464. Your telegram of the 22nd September No. 449.
In view of absence of legislation enabling central
Government to enforce provision of agreement or to deal
with cases of infringement, the appointment of inspectors
in terms of article I will serve no purpose. Union
Government regret therefore that under present circum-
stances appointment of inspectors cannot be sanctioned.

I am, Sir, the honour to be,

Sir,

Your most obedient,
humble servant,

Malcolm Macdonald

TELEGRAM.

FROM: Secretary for External Affairs, Pretoria.
TO: High Commissioner, London.

25th September, 1937.

IMMEDIATE:

No. 464. Your telegram of the 22nd September No. 449.
In view of absence of legislation enabling central
Government to enforce provisions of agreement or to deal
with cases of infringement, the appointment of inspectors
in terms of article I will serve no purpose. Union
Government regret therefore that under present circum-
stances appointment of inspectors cannot be sanctioned.

TELEGRAM.

FROM: Secretary for External Affairs, Pretoria.

TO: High Commissioner, London.

25th September, 1937.

IMMEDIATE:

No. 464 Your telegram of the 22nd September No. 449.
In view of absence of legislation enabling central
Government to enforce provisions of agreement or to deal
with cases of infringement, the appointment of inspectors
in terms of article I will serve no purpose. Union
Government regret therefore that under present circum-
stances appointment of inspectors cannot be sanctioned.

P.M. 107/5



TELEGRAM

FROM: Secretary for External Affairs, Pretoria.
TO: High Commissioner, London.

25th September, 1937.

IMMEDIATE:

No. 464. Your telegram of the 22nd September No. 449. In view of absence of legislation enabling central Government to enforce provisions of agreement or to deal with cases of infringement, the appointment of inspectors in terms of article I will serve no purpose. Union Government regret therefore that under present circumstances appointment of inspectors cannot be sanctioned.

*Mr. Jones. (H.A.)
het opgebet, en versoek
dat bestaande telegram,
wat die goedkeuring
van hulle minister dra,
afgelees word
28/9*

*Gestuur aan Handel en Vrekehandel
vir informasie
Datum 29.9.37 Paraaf H.A.
(H.A. dienst H° Hou/60 no. 25/9/37)*

*Mr. Woodward
opklief na H.A.
a.s.b. vir inligting
28/9*

Bew

PM 107/5

UITKNIPSELS.

30 September, 1937.

(bladsy/kolom).

- BRITTANJE** : Kabinetbesprekings. Eden bly Foreign Secretary (R.D.M. 30 September 9/1).
- : Aanstaande besoek Bohle wek protes. (R.D.M. 30 September 9/3).
- : Bereid om aan konferensie insake Sjino-Japanse oorlog deel te neem. (R.D.M. 30 September 10/8).
- EUROPA** : Ontmoeting Hitler - Mussolini. Hoofartikel. (E.P. Herald 27 September 10/7).
- : Anti-pate-ooreenkoms. Italië neem deel (R.D.M. 30 September 9/2).
- : Mussolini verlaat Duitsland (R.D.M. 30 September 9/3).
- HANDEL** : Gebruik van wol-surrogate in Duitsland (R.D.M. 27 September).
- RYKSEHELSID** : Toespraak Lyons. Ko-ordinasie van Verdediging (R.D.M. 29 September).
- SJINA** : Tekort aan voedsel en ammunisie. Nie-vegtendes aanval. Aanval op Japanse vlagskip. Misbruik van Sjinese embleme (R.D.M. 30 September 9/7).
- SPANJE** : Frans-Britse Nota oor vrywilligers aan Italië (R.D.M. 30 September 9/1).
- : Geen vordering in Genève (R.D.M. 30 September 9/3).
- WALVIS-OOREENKOMS** : Aanval op Departement van Handel en Nywerheid. Hoofartikel (Cape Times 27 September 10/3).
Berig (Cape Times 27 September 11/7).

P. 1107/3

UITKNIPELS

7 Oktober 1937.

(Bladsy/kolon).

- BRITANJE : Arbeiderparty besluit teen radikale
groepe
(R.D.M. 7 Oktober 9/6).
- DIPLOMATIEK : Aankoms V.S.A.-Gesant, Pretoria
(R.D.M. 7 Oktober 11/3).
- DUITSLAND : Organisasie in buiteland. Verklaring
van Duitse Gesantskap, Pretoria
(Volkstem, 6 Oktober 1937).
- DUITSLAND : Oefenskip gaan Unie besoek
(R.D.M. 7 Oktober 9/3).
- EUROPA : Weerklank op toespraak Roosevelt.
R.D.M. 7/10/37
- HANDEL : Unie en Walvissooreenkoms
(Cape Times, 4 Oktober 15/2).
- PROTEKTORATE : Onsinnpatieke artikel
(Hobart Mercury 12 Julie).
- : Bespreking op Dominiumparty-kongres
(R.D.M. 7 Oktober 15/4).

COF WK.

ROYAL NORWEGIAN CONSULATE,
CAPETOWN,

Jnr. 1515/37.

October 9th, 1937.

Sir,

I have the honour to advise you that, according to a telegram I have received today from Oslo, Norway has by Royal Decree of 8th instant ratified the Agreement for the Regulation of Whaling concluded in London on the 8th of June 1937 between the Governments of Norway, Union of South Africa, United States of America, Argentine Republic, Commonwealth of Australia, Germany, United Kingdom of Great Britain and Northern Ireland, Irish Free State and New Zealand.

By the same Royal Decree the amendments in the Norwegian Whaling Act, made necessary by the application of the agreement, have been put into force.

I should be thankful if you would kindly pass this information on to the Union Authorities interested in whaling matters.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd.) T. Seippel.

Consul-General.

THE SECRETARY FOR EXTERNAL AFFAIRS,
PRETORIA.

COPY WK.

ROYAL NORWEGIAN CONSULATE,
CAPETOWN,

Jnr. 1515/37.

October 9th, 1937.

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I should be thankful if you would kindly pass this information on to the Union Authorities interested in whaling matters.

I have the honour to be,

Sir,

Your obedient Servant,

(Sgd.) T. Seippel.

Consul-General.

THE SECRETARY FOR EXTERNAL AFFAIRS,
PRETORIA.

Royal Norwegian Consulate

COI

Cape Town, October 9th, 1937.

Jnr. 1515/37.

A.M. 107/5



Sir,

I have the honour to advise you that, according to a telegram I have received to-day from Oslo, Norway has by Royal Decree of 8th instant ratified the Agreement for the Regulation of Whaling concluded in London on the 8th of June 1937 between the Governments of Norway, Union of South Africa, United States of America, Argentine Republic, Commonwealth of Australia, Germany, United Kingdom of Great Britain and Northern Ireland, Irish Free State and New Zealand.

By the same Royal Decree the amendments in the Norwegian Whaling Act, made necessary by the application of the agreement, have been put into force.

I should be thankful if you would kindly pass this information on to the Union Authorities interested in whaling matters.

I have the honour to be,

Sir,

Your obedient servant,

T. Seippel

T. Seippel.
Consul General.

2 Kopie per
Xes
11/10

Gestuur aan Handelaar/Importeur
overweging
vir informasie
a/handling

Datum 12.10.37 Paraaf *[Signature]*

The Secretary for External Affairs,

PRETORIA.

PRETORIA.

UITKNIPSELS

14 Oktober 1937

(Bladsy/kolom)

- Sir,
- EUROPA : Onskendbaarheid van België deur Duitsland
gevaarborg
(Transvaler 14 Oktober 1/6).
- FRANKRYK : Die frank verbeter
(R.D.M. 14 Oktober 9/3).
- HANDEL : Walvis-ooreenkoms deur Unie bekragtig
(Transvaler 14 Oktober 1/3).
- : Ruilhandel Unie-Frankryk
(R.D.M. 14 Oktober 9/7).
- ITALIË : Meer troepe na Libië.
(R.D.M. 14 Oktober 9/3).
- KOLONIES : Houding van Britse pers. Uitwerking van
toespraak Smuts
(R.D.M. 14 Oktober 9/1).
- : Brief van (Biskop) Carey aan Londen Times
(R.D.M. 14 Oktober 9/2).
- : Ontken gerug dat hy by Verenigde Party
gaan aansluit
(R.D.M. 14 Oktober 11/5).
- RUSLAND : Suiwering duur voort
(Transvaler 14 Oktober 1/2).
- RYKSBELEID : "Toets van Dominiumstatus is verantwoorde-
likheid vir oorlog of vrede" Lionel Curtis
in Band III van sy "Civitas Dei".
(R.D.M. 14 Oktober 9/5).
- SJINA : Britse Banke weier Japanse wissels. Japan-
se verklaring oor aanval op Britse motor-
karre. Boikot-beweging teen Japan in
Wes-Australië en in Verenigde State van
Amerika
(R.D.M. 14 Oktober 9/4).
- SPANJE : Italiaanse voorstel aangeneem
(Transvaler 14 Oktober 1/2)
(R.D.M. 14 Oktober 9/7).

P.M. 107/5.

PRETORIA.
15 OCT 1937

13th October, 1937.

Sir,

With reference to your letter No. J.N.R. 1515/37 of the 9th October, 1937, on the subject of the ratification by the Norwegian Government of the Agreement for the Regulation of Whaling, which was signed in London on the 8th June, 1937, I have the honour to inform you that the information contained in your letter has been transmitted to the competent Union authorities as requested.

*replied
14/10*

I have the honour to be,

Sir,

Your obedient Servant,

SECRETARY FOR EXTERNAL AFFAIRS.

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

FILE

HW/BK.

COPY.

ROYAL NORWEGIAN LEGATION

LONDON, 9th October, 1937.

My dear High Commissioner,

I have just been informed from Oslo to the effect that by a Royal Decree of the 8th instant my Government have ratified the International Agreement for the Regulation of Whaling, signed in London on June 8th, 1937. At the same time they have put into force the necessary extension of the Norwegian Law on Whaling.

I hasten to bring this to your knowledge.

Yours sincerely,

(Signed) ERIK COLBAN

Honourable C. T. te Water,
High Commissioner for the Union of South Africa,
etc., etc., etc.

MFB.



P.M 107/5



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

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

UNION OF SOUTH AFRICA.

15th October, 1937.

19/88.

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



I have the honour to enclose, for your information, copy of a letter dated 9th October, 1937, from the Royal Norwegian Legation in London, on the subject of the International Agreement for the Regulation of Whaling, signed in London on June 8th, 1937.

A. Heallan
ACTING POLITICAL SECRETARY.

Gestuur aan *Handel en Koffiehandel*
ooreweging
vir informasie
afhandeling
Datum 2.11.37 Paraaf *[Signature]*

P. 9/11

P. 29/12
11 Files
for annotation
[Signature] 9/1/37