

Status of

PROTOCOL TO THE INTERNATIONAL CONVENTION FOR THE REGULATION OF  
WHALING SIGNED AT WASHINGTON UNDER DATE OF DECEMBER 2, 1946

Signed at Washington under date of November 19, 1956

by

Australia, Brazil, Canada, Denmark, France, Iceland  
Japan, Mexico, Netherlands, New Zealand, Norway,  
Panama, South Africa, Sweden, the Union of Soviet  
Socialist Republics, the United Kingdom of Great  
Britain and Northern Ireland, and the United States of America

<u>Government</u>	<u>Date of deposit of instrument of ratification</u>	<u>Date of receipt of notification of adherence</u>	<u>Date of entry into force</u>
Antigua and Barbuda			July 21, 1982 <sup>14</sup>
Argentina <sup>38</sup>		May 18, 1960 <sup>1</sup>	May 18, 1960
Australia <sup>36</sup>	April 8, 1957		May 4, 1959
Austria			May 20, 1994 <sup>14</sup>
Belgium		July 14, 2004	July 14, 2004
Belize <sup>23</sup>			July 15, 1982 <sup>14</sup> June 17, 2003
Benin			Apr. 26, 2002 <sup>14</sup>
Brazil <sup>37</sup>	May 4, 1959		May 4, 1959 <sup>2</sup> Jan. 4, 1974 <sup>3</sup>
Bulgaria		Aug. 10, 2009	Aug. 10, 2009
Cambodia			June 1, 2006
Cameroon			June 14, 2005
Chile <sup>47</sup>		Feb. 5, 1992	Feb. 5, 1992
China			Sept. 24, 1980 <sup>14</sup>
Colombia		Mar. 22, 2011	Mar. 22, 2011
Congo, Rep. of			May 29, 2008
Costa Rica			May 6, 1981 <sup>14, 15</sup> July 24, 1981 <sup>14</sup>

Status of 1956 Whaling Protocol

Government	Date of deposit of instrument of ratification	Date of receipt of notification of adherence	Date of entry into force
Côte d'Ivoire			July 8, 2004
Croatia		Jan. 10, 2007	Jan. 10, 2007
Cyprus		Apr. 21, 2009	Feb. 26, 2007
Czech Republic		Jan. 24, 2005	Jan. 24, 2005
Denmark	July 26, 1957		May 4, 1959
Dominica			July 9, 1981 <sup>14, 19</sup> July 18, 1992
Dominican Republic			July 30, 2009
Ecuador <sup>27</sup>			May 2, 1991 <sup>14</sup> May 10, 2007
Eritrea			Oct. 10, 2007
Estonia		Jan. 7, 2009	Jan. 7, 2009
Finland <sup>48</sup>		Feb. 23, 1983	Feb. 23, 1983
France <sup>33</sup>	Apr. 14, 1958		May 4, 1959
Gabon			May 8, 2002 <sup>14</sup>
The Gambia			May 17, 2005
Germany <sup>34</sup>		July 2, 1982 <sup>18</sup>	July 2, 1982
Ghana			July 17, 2009
Greece			May 16, 2007
Grenada			Apr. 7, 1993 <sup>14</sup>
Guatemala		May 16, 2006	May 16, 2006
Guinea			June 21, 2000 <sup>14</sup>
Guinea-Bissau			May 29, 2007
Hungary			June 1, 2004
Iceland <sup>25, 30, 50</sup>	Nov. 23, 1956	October 10, 2002	May 4, 1959 October 10, 2002
India			Mar. 9, 1981 <sup>14</sup>

Status of 1956 Whaling Protocol

Government	Date of deposit of instrument of ratification	Date of receipt of notification of adherence	Date of entry into force
Ireland			Jan. 2, 1985 <sup>14</sup>
Israel			June 7, 2006
Italy <sup>35</sup>			Feb. 12, 1998
Japan	May 24, 1957		May 4, 1959
Kenya			Dec. 2, 1981 <sup>14</sup>
Kiribati			Dec. 28, 2004
Korea, Republic of		Dec. 29, 1978	Dec. 29, 1978
Laos			May 22, 2007
Lithuania		Nov. 25, 2008	Nov. 25, 2008
Luxembourg		June 10, 2005	June 10, 2005
Mali			Aug. 17, 2004
Marshall Islands			June 1, 2006
Mauritania			Dec. 23, 2003
Mexico <sup>39</sup>	Mar. 9, 1959		May 4, 1959
Monaco <sup>44</sup>		Mar. 15, 1982	Mar. 15, 1982
Mongolia			May 16, 2002 <sup>14</sup>
Morocco			Feb. 12, 2001 <sup>14</sup>
Nauru		June 15, 2005	June 15, 2005
Netherlands <sup>4, 5, 6, 40</sup>	Dec. 23, 1957	June 14, 1977 <sup>7, 17</sup>	May 4, 1959 <sup>14</sup> June 14, 1977
New Zealand <sup>8, 46</sup>	June 21, 1957 <sup>8</sup>	June 15, 1976	May 4, 1959 June 15, 1976
Nicaragua			June 5, 2003 <sup>14</sup>
Norway <sup>9, 10, 11, 45</sup>	Apr. 15, 1957		May 4, 1959
Oman			July 15, 1980 <sup>14</sup>
Palau			May 8, 2002 <sup>14</sup>

Status of 1956 Whaling Protocol

Government	Date of deposit of instrument of ratification	Date of receipt of notification of adherence	Date of entry into force
Panama <sup>13</sup>	Feb. 9, 1959	June 12, 2001	May 4, 1959 June 12, 2001
Peru <sup>42</sup>		Dec. 27, 1979	Dec. 27, 1979
Poland			Apr. 17, 2009
Portugal <sup>51</sup>		May 14, 2002	May 14, 2002
Romania		Apr. 9, 2008	Apr. 9, 2008
Russian Federation <sup>26</sup>	July 3, 1957		May 4, 1959
Saint Kitts and Nevis			June 24, 1992 <sup>14</sup>
Saint Lucia			June 29, 1981 <sup>14</sup>
Saint Vincent and the Grenadines			July 22, 1981 <sup>14</sup>
San Marino <sup>43</sup>			Apr. 16, 2002 <sup>14</sup>
Senegal			July 15, 1982 <sup>14</sup>
Slovak Republic		Mar. 22, 2005	Mar. 22, 2005
Slovenia		Sept. 20, 2006	Sept. 20, 2006
Solomon Islands			Jul. 18, 1985 <sup>14</sup> May 10, 1993 <sup>14</sup>
South Africa	Apr. 25, 1957		May 4, 1959
Spain <sup>41</sup>			July 6, 1979 <sup>14</sup>
Suriname		July 14, 2004	July 14, 2004
Sweden <sup>12, 31</sup>	June 6, 1957		May 4, 1959 June 15, 1979 <sup>14</sup>
Switzerland			May 29, 1980 <sup>14</sup>
Tanzania			June 23, 2008
Togo			June 15, 2005
Tuvalu			June 30, 2004

Status of 1956 Whaling Protocol

Government	Date of deposit of instrument of ratification	Date of receipt of notification of adherence	Date of entry into force
United Kingdom of Great Britain and Northern Ireland <sup>32</sup>	May 23, 1957		May 4, 1959
United States of America <sup>49</sup>	Aug. 30, 1957		May 4, 1959
Uruguay <sup>24</sup>			July 15, 1981 <sup>14</sup> Sept. 27, 2007
<hr/> <i>Former Parties to the Protocol:</i>			
Canada <sup>16</sup>	June 14, 1957		May 4, 1959
Egypt			Sept. 18, 1981 <sup>14</sup>
Jamaica			July 15, 1981 <sup>14, 20</sup>
Mauritius			June 17, 1983 <sup>14, 21</sup>
Philippines <sup>22</sup>			Aug. 10, 1981 <sup>14</sup>
Seychelles <sup>28</sup>		Mar. 19, 1979	Mar. 19, 1979
Venezuela <sup>29</sup>			July 11, 1991 <sup>14</sup>

1. See Argentine statement regarding the International Convention for the Regulation of Whaling, contained in Convention status list.
2. By a note dated December 27, 1965, to the Secretary of State, the Brazilian Chargé d'Affaires ad interim gave notice of Brazil's withdrawal from the International Convention for the Regulation of Whaling, to be effective June 30, 1966.
3. The Brazilian notification of adherence to the Convention received on January 4, 1974, applies to the Convention as amended by the 1956 Protocol.
4. By a note dated December 31, 1958, to the Secretary of State, the Netherlands Ambassador gave notice of the Netherlands' withdrawal from the International Convention for the Regulation of Whaling, to be effective June 30, 1959.
5. The Netherlands notification of adherence to the Convention, received on May 4, 1962, applies to the Convention as amended by the 1956 Protocol.
6. By a note dated December 24, 1969, to the Secretary of State, the Netherlands Ambassador gave notice of the Netherlands' withdrawal from the Convention, to be effective June 30, 1970.
7. The notification of adherence by the Netherlands states that the Convention and the 1956 Protocol will apply to the Kingdom in Europe.
8. By a note dated October 1, 1968, to the Secretary of State, the New Zealand Ambassador gave notice of New Zealand's withdrawal from the International Convention for the Regulation of Whaling, to be effective June 30, 1969.
9. By a note dated December 29, 1958, to the Secretary of State, the Norwegian Ambassador gave notice of Norway's withdrawal from the International Convention for the Regulation of Whaling, to be effective June 30, 1959.
10. The Norwegian notification of adherence to the Convention, received on September 23, 1960, applies to the Convention as amended by the 1956 Protocol.
11. The Norwegian Ambassador informed the Secretary of State by a note dated September 23, 1960, that "the continued adherence of the Norwegian Government to the Convention is dependent upon the following conditions being fulfilled: 1) that the Government of the Netherlands adheres to the Convention, 2) that the Government of the Union of Soviet Socialist Republics maintains its pledge of November 1958 to limit the catch of the Soviet expeditions' share of the total quota established by the International Whaling Commission to 20 percent annually for a seven year period, 3) that an agreement is reached within reasonable time on the division of the remaining 80 percent of the total quota between Norway, Japan, the Netherlands and the United Kingdom. The Norwegian Government at the same time wishes to emphasize the vital importance of reaching an agreement between the countries engaged in Pelagic Whaling in Antarctic Waters on an International Inspection System for the observance of the regulations drawn up by the International Whaling Commission."
12. By a note dated December 17, 1963, to the Secretary of State, the Swedish Ambassador gave notice of Sweden's withdrawal from the International Convention for the Regulation of Whaling, to be effective June 30, 1964.  
  
By a note dated June 12, 1979, received June 15, 1979, the Ambassador of Sweden gave notice of the decision of the Government of Sweden to adhere to the Convention. The adherence applies to the Convention as amended by the 1956 Protocol.
13. By a note of February 7, 1979, the Embassy of Panama gave notice of Panama's withdrawal from the Convention. The withdrawal will become effective June 30, 1980.

On June 12, 2001, Panama adhered to the Convention and Protocol.

14. Adherence to the Convention as amended by the 1956 Protocol.
15. By a note of June 1, 1981, Costa Rica retracted its notification of adherence pending completion of legislative procedures.
16. By note of June 24, 1981, the Secretary of State for External Affairs of Canada gave notice of Canada's withdrawal from the Convention effective June 30, 1982.
17. Declaration received February 16, 1982, from Minister of Foreign Affairs of the Kingdom of the Netherlands stating that the application of the Convention and 1956 Protocol is extended to the Netherlands Antilles. As of January 1, 1986, Aruba as a separate entity.
18. Adherence by the Government of the Federal Republic of Germany accompanied by a Declaration that the convention and protocol shall also apply to Berlin (West) with effect from the date on which they enter into force for the Federal Republic of Germany.
19. By a note dated June 15, 1982, the Ministry of External Affairs of the Commonwealth of Dominica gave notice of withdrawal by Dominica from the Convention effective June 30, 1983.
20. By a notification dated September 2, 1983, the Minister of Foreign Affairs of Jamaica gave notice of Jamaica's withdrawal from the Convention. The withdrawal took effect on June 30, 1984.
21. By note dated August 27, 1987, the Ambassador of Mauritius gave notice of withdrawal by Mauritius from the Convention, the withdrawal to be effective on June 30, 1988.
22. By note of December 3, 1987, the Embassy of the Philippines gave notice of withdrawal from the Convention by the Government of the Philippines. The withdrawal will take effect on June 30, 1988.
23. By note of December 30, 1987, the Ambassador of Belize gave notice of withdrawal from the Convention by the Government of Belize. The withdrawal will take effect on June 30, 1988.
24. By note of October 15, 1990, the Embassy of Uruguay gave notice of Uruguay's withdrawal from the Convention. The withdrawal will become effective on June 30, 1991.
25. By note of December 27, 1991, the Embassy of Iceland gave notice of Iceland's withdrawal from the Convention effective June 30, 1992.
26. By note of June 25, 1992, the Embassy of the Russian Federation in London informed the International Whaling Commission that the membership of the Union of Soviet Socialist Republics in the International Convention for the Regulation of Whaling is continued by the Russian Federation and that the name "The Russian Federation" should be used.
27. By note of December 8, 1993, the Embassy of Ecuador gave notice of Ecuador's withdrawal from the Convention effective June 30, 1994.
28. By note of April 18, 1994, received by the USG on June 3, 1994, the Government of Seychelles informed the United States Embassy in Victoria of its intention to withdraw from the Convention. The withdrawal from the Convention, as amended by the 1956 Protocol, will become effective on June 30, 1995.
29. By note of February 18, 1998, received by the USG on February 22, 1998, the Government of Venezuela notified its intention to withdraw from the Convention. The withdrawal from the Convention, as amended by the 1956 Protocol, became effective on June 30, 1999.
30. On June 8, 2001, Iceland deposited an instrument of adherence to the Whaling Convention and the 1956 Protocol thereto which contained a reservation to Paragraph 10 (e) of the Convention's Schedule. In performance of its depositary function, the United States, in a circular note dated June 11, 2001, informed the parties to the Whaling Convention of Iceland's action. On July 22, 2001, at the 53<sup>rd</sup> meeting of the International

Whaling Commission, the Commission decided (by a vote of 19 in favor, none opposed, 3 abstentions and 16 states not participating) not to accept Iceland's reservation. A subsequent vote of the Commission decided to continue to recognize Iceland as an observer (by a vote of 18 in favor, 16 opposed and 4 abstentions).

On May 14, 2002, Iceland tendered an instrument of adherence to the Whaling Convention and the 1956 Protocol thereto which contained a reservation to Paragraph 10 (e) of the Convention's Schedule. The instrument also contained a statement which reads as follows from the English translation provided by the Ministry of Foreign Affairs of Iceland:

“Notwithstanding the aforementioned reservation, the Government of Iceland will not authorize whaling for commercial purposes by Icelandic vessels while progress is being made in negotiations within the International Whaling Commission on the Revised Management Scheme. This does not apply, however, in case of the so-called moratorium on whaling for commercial purposes, contained in paragraph 10 (e) of the Schedule, not being lifted within reasonable time after the completion of the Revised Management Scheme.

“Under no circumstances will whaling for commercial purposes be authorized in Iceland without a sound scientific basis and an effective management and enforcement scheme.”

In performance of its depositary function, the United States circulated this information to the Convention parties. On May 20, 2002, at the 54<sup>th</sup> Meeting of the International Whaling Commission, the Commission (by a vote of 25 in favor and 20 opposed) decided not to accept Iceland's reservation.

On October 10, 2002, Iceland deposited another instrument of adherence to the Whaling Convention and the 1956 Protocol thereto which contains a reservation to Paragraph 10 (e) of the Convention's Schedule identical to the reservation Iceland had included in the instruments of adherence to the Convention it deposited on June 8, 2001 and May 14, 2002. Included in this instrument is a statement which reads as follows from the English translation provided by Iceland:

Notwithstanding this [reservation], the Government of Iceland will not authorize whaling for commercial purposes by Icelandic vessels before 2006 and, thereafter, will not authorize such whaling while progress is being made in negotiations within the International Whaling Commission on the Revised Management Scheme. This does not apply, however, in case of the so-called moratorium on whaling for commercial purposes, contained in paragraph 10 (e) of the Schedule, not being lifted within reasonable time after the completion of the Revised Management Scheme.

Under no circumstances will whaling for commercial purposes be authorized in Iceland without a sound scientific basis and an effective management and enforcement scheme.

The depositary communicated Iceland's action to the members of the International Whaling Commission attending its Fifth Special Meeting in Cambridge, United Kingdom on October 14, 2002. In a challenge vote to the Chairman's ruling that he was bound by the decisions not to accept Iceland's reservation and to recognize Iceland as an observer, taken at the 53<sup>rd</sup> Meeting of the Commission, the Commission decided (by a 19-18 vote) not to uphold that ruling.

31. By note dated November 26, 2002, and received on November 27, 2002, the Government of Sweden objected to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002.
32. By note dated December 5, 2002, and received on December 16, 2002, the United Kingdom of Great Britain and Northern Ireland objected to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002.
33. By note dated December 13, 2002, and received on January 7, 2003, France objected to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002.
34. By note dated February 3, 2003, and received on that same date, Germany objected to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002.
35. By note dated December 6, 2002, and received on February 5, 2003, Italy objected to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002. The objection by Italy states in relevant

part: “. . . that Iceland, because of its reservation, may not be regarded as a party to the Convention nor a member of the IWC.”

36. By note dated February 5, 2003, and received on that same date, Australia objected to the reservation contained in Iceland’s instrument of adherence deposited on October 10, 2002.
37. By note dated January 31, 2003, and received on February 5, 2003, Brazil objected to the reservation contained in Iceland’s instrument of adherence deposited on October 10, 2002.
38. By note dated February 6, 2003, and received on that same date, Argentina objected to the reservation contained in Iceland’s instrument of adherence deposited on October 10, 2002.
39. By note dated February 10, 2003, and received on February 14, 2003, Mexico objected to the reservation contained in Iceland’s instrument of adherence deposited on October 10, 2002. The objection by Mexico states in relevant part: “. . . because of its reservation, Iceland will not be regarded as a party to the Convention, nor as a member of the International Whaling Commission (IWC), insofar as Mexico is concerned.”
40. By note dated February 12, 2003, and received on February 26, 2003, the Netherlands objected to the reservation contained in Iceland’s instrument of adherence deposited on October 10, 2002.
41. By note dated February 4, 2003, and received on March 6, 2003, Spain objected to the reservation contained in Iceland’s instrument of adherence deposited on October 10, 2002.
42. By note dated March 5, 2003, and received on March 11, 2003, Peru objected to the reservation contained in Iceland’s instrument of adherence deposited on October 10, 2002.
43. By note dated March 13, 2003, and received on March 17, 2003, the Department of Foreign Affairs of the Republic of San Marino objected to the reservation contained in Iceland’s instrument of adherence deposited on October 10, 2002.
44. By note dated February 13, 2003, and received on March 24, 2003, the Department of Foreign Relations of the Principality of Monaco objected to the reservation contained in Iceland’s instrument of adherence deposited on October 10, 2002.
45. By note dated March 25, 2003, and received on March 26, 2003, the Royal Norwegian Embassy communicated the position of the Norwegian Government regarding Iceland’s membership in the International Whaling Commission. The note reads in relevant part as follows:

“The position of the Norwegian Government is that the competent body of the International Whaling Commission (IWC) has already made a decision with regard to Iceland’s adherence to the IWC, with binding effect for all IWC Parties, and in accordance with the principle of Art. 20 Para. 3 of the Vienna Convention on the Law of Treaties of 23 May 1969. The decision of the 5<sup>th</sup> Special Meeting of the IWC on 14 October 2002 to accept Iceland’s adherence obliges all IWC Members to fully recognize Iceland as a Member of the IWC with such reservations as have been made, and Norway will consider any and all objections to this decision to be without legal consequence.

“The Government of Norway undertakes to act in accordance with the said decision, and will oppose attempts to question its legitimacy.”

46. By note dated April 17, 2003, and received on April 23, 2003, the Embassy of New Zealand communicated the position of the Government of New Zealand regarding the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002. The note reads in relevant part as follows:

"It is the view of the Government of New Zealand that the reservation is not permitted by the Convention. Further, the Government of New Zealand considers that the reservation is incompatible with the object and purpose of the Convention and is without legal effect. Accordingly, New Zealand does not accept the Convention as being in force between New Zealand and Iceland."

47. By note dated May 6, 2003, and received on May 23, 2003, the Ministry of Foreign Affairs of the Republic of Chile objected to the reservation contained in Iceland's instrument of adherence of October 10, 2002. The objection by Chile reads in relevant part as follows: "The Government of Chile would like to express its objection with respect to the . . . reservation, declaring that it constitutes an untimely presentation of an amendment to the Schedule or Annex of the Convention approved by the International Whaling Commission in 1986, which is inadmissible." [Non-official translation provided by the Ministry of Foreign Affairs of Chile]
48. By note dated May 15, 2003, and received on May 30, 2003, the Government of Finland objected to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002.
49. By circular note dated May 27, 2003, the United States of America, in its capacity as a party to the Convention, objected to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002.
50. By note dated May 19, 2003, and received on June 4, 2003, the Ministry for Foreign Affairs of Iceland communicated its views regarding the objection by Sweden to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002. The note from the Ministry for Foreign Affairs of Iceland reads in relevant part:

"The . . . Note [from the Embassy of Sweden] states that the objection by the Government of Sweden shall not preclude the entry into force of the Convention between Iceland and Sweden. However, the Note also contains the following conclusion: 'The Convention enters into force in its entirety without Iceland benefiting from its reservation.'

"This conclusion is without foundation in international law. According to Article 21, paragraph 3, of the Vienna Convention on the Law of Treaties, which reflects customary international law, '[w]hen a State objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State, the provisions to which the reservation relates do not apply as between the two States to the extent of the reservation.'

"Accordingly, the International Convention for the Regulation of Whaling is in force between Iceland and Sweden with the exception of paragraph 10 (e) of the Schedule attached to the Convention, to which the reservation of Iceland relates."

51. By note dated May 15, 2003, and received on June 16, 2003, the Government of Portugal objected to the reservation contained in Iceland's instrument of adherence deposited on October 10, 2002.

Department of State,  
Washington, May 24, 2012.