

sition to check or regulate such development should it occur. Since the Conference of last year an unforeseen development has occurred owing to the assumption in certain quarters that, in spite of the provisions of Article 9 of the Principal Agreement, it was legitimate to use a factory ship as a temporary „land station“ when it remained within the territorial waters of a State. In the opinion of the Conference as a whole (United States of America Delegation dissenting), the wording of Article 9 of the Principal Agreement prohibits the use of a factory ship for treating whales in the whole of the areas specified, without exception. Briefly, the majority view of the Conference is that a factory ship does not lose its character of being a ship until at least it loses its power of independent movement, and that a factory ship moored in territorial waters is no less a ship than any other ship which drops its anchor or is moored in a port. Although the Conference has no doubt of the correctness of this interpretation of Article 9, it has been thought desirable, in view of the events which have occurred, to embody in the Protocol an Article (Article 3) which, while placing beyond doubt the fact that it is not permissible to use a factory ship as a „land station“, nevertheless makes a concession in respect of existing enterprises.

17. The French Delegation declared that the French Government was ready to accede to the present Agreement subject to the following reservations:—

First, that the term „land station“ employed in the Principal Agreement means a factory on land or a factory placed near the coast on a construction fixed or anchored at the same spot during the whole of the hunting season, and one which cannot be subsequently employed as a factory ship fishing in the deep sea.

Secondly, should any regulations be introduced regulating the number of

aabne sig Muligheder for at standse eller regulere en saadan Udvikling, dersom den skulde finde Sted. Siden sidste Aars Konference har en uforudset Udvikling fundet Sted paa Grund af den Opfattelse i visse Kredse, at det til Trods for Bestemmelserne i Artikel 9 i Hovedoverenskomsten var lovligt at benytte et flydende Kogeri som en midlertidig Landstation, saafremt Kogерiet forblev indenfor et Lands Søterritorium. Efter Konferencens almindelige Opfattelse (De Forenede Staters Delegation dog undtaget) forbyder Ordlyden af Artikel 9 i Hovedoverenskomsten Benyttelsen af flydende Kogерier til Behandling af Hvaler i hele det angivne Omraade uden Undtagelse. Konferencens Flertal er i Korthed af den Opfattelse, at et flydende Kogeri ikke mister Karakter af at være et Skib, før det i det mindste mister Evnen til selvstændig Bevægelse, og at et flydende Kogeri forankret paa Søterritoriet ikke i mindre Grad er et Skib end ethvert andet Skib, som kaster Anker eller fortøjes i en Havn. Skønt Konferencen ikke er i Tvivl om Rigtigheden af denne Fortolkning af Artikel 9, har man anset det for ønskeligt af Hensyn til de forefaldne Tilfælde i Protokollen at indsætte en Artikel (Artikel 3), som uden at lade Tvivl om den Kendsgerning, at det ikke er tilladt at benytte et flydende Kogeri som en Landstation, alligevel giver en Indrømmelse med Hensyn til bestaaende Foretagender.

17. Den franske Delegation erklærede, at den franske Regering var rede til at tiltræde nærværende Overenskomst med følgende Forbehold:

1. At der ved den i Hovedoverenskomsten benyttede Betegnelse „Landstation“ skal forstaas dels en Fabrik paa Land eller en Fabrik anbragt i Nærheden af Kysten paa en fast eller forankret Konstruktion paa samme Sted under hele Fangstperioden, dels en Station, som ikke senere kan anvendes som et flydende Kogeri paa det aabne Hav.

2. Dersom der indføres Bestemmelser, som begrænser Antallet af Landsta-