

PRESERVATION AND PROTECTION OF FUR SEALS

Convention signed at Washington July 7, 1911; exchange of notes of July 7, 1911, respecting a British reservation; note of July 18, 1911, withdrawing reservation

Senate advice and consent to ratification of the convention July 24, 1911

Ratified by the President of the United States November 24, 1911

Ratifications exchanged at Washington December 12, 1911

Proclaimed by the President of the United States December 14, 1911

Entered into force December 15, 1911

*Terminated October 23, 1941*¹

37 Stat. 1542, Treaty Series 564 (convention); Department of State files, *Protocols of the International Fur Seal Conference, 1911*, p. 38 (notes)

CONVENTION

The United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias, being desirous of adopting effective means for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, have resolved to conclude a Convention for the purpose, and to that end have named as their Plenipotentiaries:

The President of the United States of America, the Honorable Charles Nagel, Secretary of Commerce and Labor of the United States, and the Honorable Chandler P. Anderson, Counselor of the Department of State of the United States;

His Britannic Majesty, the Right Honorable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, his Ambassador Extraordinary and Plenipotentiary at Washington; and the Honorable

¹ Japan gave written notice of termination Oct. 23, 1940 (see art. XVI).

Hitoshi Dauké, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce;

His Majesty the Emperor of all the Russias, the Honorable Pierre Botkine, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and Baron Boris Nolde, of the Foreign Office;

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectfully, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Okhotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offense.

ARTICLE II

Each of the High Contracting Parties further agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purposes whatsoever connected with the operations of pelagic sealing in the waters within the protected area mentioned in Article I.

ARTICLE III

Each of the High Contracting Parties further agrees that no sealskins taken in the waters of the North Pacific Ocean within the protected area mentioned in Article I, and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the American, Russian or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as

having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

ARTICLE IV

It is further agreed that the provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or other aborigines dwelling on the coast of the waters mentioned in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

ARTICLE V

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories sea otters in any part of the waters mentioned in Article I of this Convention.

ARTICLE VI

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

ARTICLE VII

It is agreed on the part of the United States, Japan, and Russia that each respectively will maintain a guard or patrol in the waters frequented by the seal herd in the protection of which it is especially interested, so far as may be necessary for the enforcement of the foregoing provisions.

ARTICLE VIII

All of the High Contracting Parties agree to cooperate with each other in taking such measures as may be appropriate and available for the purpose of preventing pelagic sealing in the prohibited area mentioned in Article I.

ARTICLE IX

The term pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE X

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort,

there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

ARTICLE XI

The United States further agrees to pay the sum of two hundred thousand dollars (\$200,000) to Great Britain and the sum of two hundred thousand dollars (\$200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars (\$200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

The United States further agrees that the British and Japanese share respectively of the sealskins taken from the American herd under the terms of this Convention shall be not less than one thousand (1,000) each in any year even if such number is more than fifteen per cent (15%) of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of ten thousand dollars (\$10,000) annually in lieu of any share of skins during the years when no killing is allowed; and Great Britain agrees, and Japan agrees, that after deducting the skins of their respective shares, which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from the British and Japanese shares respectively over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of skins retained shall equal, reckoned at their market value determined as

above provided for, the entire amount so paid, with interest at the rate of four per cent (4%) per annum.

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE XII

It is agreed on the part of Russia that of the total number of sealskins taken annually upon the Commander Islands, or any other island or shores of the waters defined in Article I subject to the jurisdiction of Russia to which any seal herds hereafter resort, there shall be delivered at the Commander Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government, and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of Russia at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below eighteen thousand (18,000) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds eighteen thousand (18,000) enumerated in like manner.

ARTICLE XIII

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article I subject to the jurisdiction of Japan to which any seal herds hereafter resort, there shall be delivered at Robben Island at the end

of each season ten per cent (10%) gross in number and value thereof to an authorized agent of the United States Government, ten per cent (10%) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10%) gross in number and value thereof to an authorized agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Japanese herd, or to increase its number; but it is agreed, nevertheless, on the part of Japan that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Japanese islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

ARTICLE XIV

It is agreed on the part of Great Britain that in case any seal herd hereafter resorts to any islands or shores of the waters defined in Article I subject to the jurisdiction of Great Britain, there shall be delivered at the end of each season during the term of this Convention ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the United States Government, ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Japanese Government, and ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Russian Government.

ARTICLE XV

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relating

to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.²

ARTICLE XVI

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

ARTICLE XVII

The Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and by His Majesty the Emperor of all the Russias; and ratifications shall be exchanged at Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed this Convention in quadruplicate and have hereunto affixed their seals.

Done at Washington the 7th day of July, in the year one thousand nine hundred and eleven.

[For the United States:]

CHARLES NAGEL [SEAL]
CHANDLER P. ANDERSON [SEAL]

[For Japan:]

Y. UCHIDA [SEAL]
H. DAUKE [SEAL]

[For the United Kingdom:]

JAMES BRYCE [SEAL]
JOSEPH POPE [SEAL]

[For Russia:]

P. BOTKINE [SEAL]
NOLDE [SEAL]

EXCHANGE OF NOTES RESPECTING BRITISH RESERVATION

The Delegates of Great Britain to the President of the International Fur Seal Conference

WASHINGTON

July 7th, 1911

SIR,

The Delegates of Great Britain, in signing the treaty for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, are instructed to state that, while accepting the whole treaty on behalf of Great Britain and the Dominion of Canada, they are obliged to reserve

² TS 563, *post*.

for the present the assent of the other self governing Dominions within the British Empire so far as regards the words in Article III, lines 3 and 4: "and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*," because there has not been time to obtain the assent of those Dominions to these words, which were submitted to His Majesty's Government only a few days ago.

This reservation is made, not because His Majesty's Government think or have any ground for thinking that these Dominions are likely to object to the words in question, but solely because it has been impossible within the time to ascertain, conformably to the usual practice, whether they are prepared to undertake such obligations as the words impose. His Majesty's Government will consult these Dominions at the earliest possible moment with a view to obtaining their consent to the words for the present reserved.

We have the honour to be,

Sir,

Your most obedient Servants,

JAMES BRYCE
JOSEPH POPE

To

The Honorable CHARLES NAGEL
President of the Conference

*The President of the International Fur Seal Conference
to the Delegates of Great Britain*

July 7, 1911

The Right Honorable JAMES BRYCE, O. M.,
and

The Honorable JOSEPH POPE,
*Delegates of Great Britain to the
International Fur Seal Conference*

GENTLEMEN:

In reply to your note of today addressed to me, I have the honor to inform you that the Delegations of the United States and Japan have read and considered it, and that they regard the obstacles therein mentioned as so remote that they have decided to sign the North Pacific Sealing Convention with the understanding that the Governments of the United States, Japan and Russia are at liberty to await the acceptance by Great Britain of the Convention without the particular reservations mentioned in your note before proceeding with ratification.

I have the honor to be,

With the highest respect

CHARLES NAGEL
President of the Conference

NOTE OF WITHDRAWAL OF BRITISH RESERVATION
A Delegate of Great Britain to the Secretary of State

BRITISH EMBASSY
SEAL HARBOR, MAINE
July 18, 1911

DEAR MR. SECRETARY:

I have pleasure in informing you in confirmation of my telegram of to-day's date that my Government having just informed me that the Self-Governing Dominions of the British Empire (other than Canada) having been consulted by His Majesty's Government with regard to the words in Article III viz: "and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*", of the International Treaty, signed on July 7th at Washington "for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean," have now expressed their assent to the words in question, their acceptance of which had been provisionally reserved at the time of the signature of the Treaty by the British Delegates to the Conference. I should therefore be very much obliged if you would cause this information to be conveyed to the Delegates who represented the United States at the Conference giving them to understand that the Treaty is now accepted in its entirety by His Majesty's Government on behalf not only of Great Britain and Canada but also of all the other British Dominions.

The whole Treaty, including the words in Article III above quoted, having now been thus accepted, the note of reservation addressed to the President of the Conference on July 7 by Mr. Pope and myself as British Delegates has now become ineffective and is hereby withdrawn by me on behalf of His Majesty's Government. Therewith also the note signed by the United States and Japanese Delegates at the same time explaining that they, while noting the reservation made by us, nevertheless signed the Treaty, has now become superfluous.

I have the honour therefore to request that you will have the goodness to communicate the above complete acceptance of the Treaty and withdrawal of the Note of Reservation to Mr. Secretary Nagel as President of the Conference, as it will no doubt be the wish both of the United States Delegates and of the United States Administration that the Treaty should be presented to the Senate of the United States at an early date.

With cordial congratulations on the successful issue of the Conference convoked by the United States and in the hope that the result of its delibera-

tions may prove to be of benefit both to the nations more immediately concerned and to the world at large,

I have the honour to be, Dear Mr. Secretary,

Very faithfully yours,

JAMES BRYCE

P.S. I am sending a copy of this note to the Japanese Ambassador and to the Russian Charge d'Affaires in this country for the information of their respective Delegates.

The Honourable

P. C. KNOX,

Secretary of State,

etc. etc. etc.