

N° 4119.

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ÉTATS-UNIS D'AMÉRIQUE  
ET  
ÉTATS-UNIS DU MEXIQUE

Convention relative à la protection  
des oiseaux migrateurs et des  
mammifères chassés, signée à  
Mexico, le 7 février 1936, et  
échange de notes y relatif, Mexico,  
les 10 et 11 février 1936.

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UNITED STATES OF AMERICA  
AND  
UNITED STATES OF MEXICO

Convention for the Protection of  
Migratory Birds and Game Mam-  
mals, signed at Mexico, February  
7th, 1936, and Exchange of Notes  
relating thereto, Mexico, February  
10th and 11th, 1936.

No. 4119. — CONVENTION<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED STATES OF MEXICO FOR THE PROTECTION OF MIGRATORY BIRDS AND GAME MAMMALS. SIGNED AT MEXICO, FEBRUARY 7TH, 1936.

*English and Spanish official texts communicated by the Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Berne. The registration of this Convention took place May 29th, 1937.*

Whereas, some of the birds denominated migratory, in their movements cross the UNITED STATES OF AMERICA and the UNITED MEXICAN STATES, in which countries they live temporarily ;

Whereas it is right and proper to protect the said migratory birds, whatever may be their origin, in the United States of America and the United Mexican States, in order that the species may not be exterminated ;

Whereas, for this purpose it is necessary to employ adequate measures which will permit a rational utilization of migratory birds for the purposes of sport as well as for food, commerce and industry ;

The Governments of the two countries have agreed to conclude a Convention which will satisfy the above-mentioned need and to that end have appointed as their respective Plenipotentiaries :

The Honorable Josephus DANIELS, representing the President of the United States of America, Franklin D. ROOSEVELT, and

The Honorable Eduardo HAY, representing the President of the United Mexican States, General Lázaro CÁRDENAS,

Who, having exhibited to each other and found satisfactory their respective full powers, conclude the following Convention :

*Article I.*

In order that the species may not be exterminated, the high contracting parties declare that it is right and proper to protect birds denominated as migratory, whatever may be their origin, which in their movements live temporarily in the United States of America and the United Mexican States, by means of adequate methods which will permit, in so far as the respective high contracting parties may see fit, the utilization of said birds rationally for purposes of sport, food, commerce and industry.

*Article II.*

The high contracting parties agree to establish laws, regulations and provisions to satisfy the need set forth in the preceding Article, including :

(A) The establishment of close seasons, which will prohibit in certain periods of the year the taking of migratory birds, their nests or eggs, as well as their transportation or sale, alive or dead, their products or parts, except when proceeding, with appropriate authorization, from private game farms or when used for scientific purposes, for propagation or for museums.

(B) The establishment of refuge zones in which the taking of such birds will be prohibited.

(C) The limitation of their hunting to four months in each year, as a maximum, under permits issued by the respective authorities in each case.

<sup>1</sup> The exchange of ratifications took place at Washington, March 15th, 1937.

(D) The establishment of a close season for wild ducks from the tenth of March to the first of September.

(E) The prohibition of the killing of migratory insectivorous birds, except when they become injurious to agriculture and constitute plagues, as well as when they come from reserves or game farms : provided, however, that such birds may be captured alive and used in conformity with the laws of each contracting country.

(F) The prohibition of hunting from aircraft.

#### Article III.

The high contracting parties respectively agree, in addition, not to permit the transportation over the American-Mexican border of migratory birds, dead or alive, their parts or products, without a permit of authorization provided for that purpose by the Government of each country, with the understanding that in the case that the said birds, their parts or products are transported from one country to the other without the stipulated authorization, they will be considered as contraband and treated accordingly.

#### Article IV.

The high contracting parties declare that for the purposes of the present Convention the following birds shall be considered migratory :

##### *Migratory Game Birds.*

Familia Anatidae.  
Familia Gruidae.  
Familia Rallidae.  
Familia Charadriidae.

Familia Scolopacidae.  
Familia Recurvirostridae.  
Familia Phalaropodidae.  
Familia Columbidae.

##### *Migratory Non-game Birds.*

Familia Cuculidae.  
Familia Caprimulgidae.  
Familia Micropodidae.  
Familia Trochilidae.  
Familia Picidae.  
Familia Tyrannidae.  
Familia Alaudidae.  
Familia Hirundinidae.  
Familia Paridae.  
Familia Certhiidae.  
Familia Troglodytidae.  
Familia Turdidae.

Familia Mimidae.  
Familia Sylviidae.  
Familia Motacillidae.  
Familia Bombycillidae.  
Familia Ptilogonatidae.  
Familia Laniidae.  
Familia Vireonidae.  
Familia Compothlypidae.  
Familia Icteridae.  
Familia Thraupidae.  
Familia Fringillidae.

Others which the Presidents of the United States of America and the United Mexican States may determine by common agreement.

#### Article V.

The high contracting parties agree to apply the stipulations set forth in Article III with respect to the game mammals which live in their respective countries.

#### Article VI.

This Convention shall be ratified by the high contracting parties in accordance with their constitutional methods and shall remain in force for fifteen years and shall be understood to be extended from year to year if the high contracting parties have not indicated twelve months in advance their intention to terminate it.

The respective plenipotentiaries sign the present Convention in duplicate in English and Spanish, affixing thereto their respective seals, in the City of Mexico, the seventh day of February of 1936.

(Seal) Josephus DANIELS.

## CANJE DE NOTAS

## I.

TEXTE ESPAGNOL. — SPANISH TEXT.

SECRETARIA  
DE RELACIONES EXTERIORES  
ESTADOS UNIDOS MEXICANOS  
MÉXICO.

MÉXICO, 10 de febrero de 1936.

SEÑOR ENCARGADO DE NEGOCIOS :

Tengo la honra de manifestar a usted, en relación con el Convenio entre los Estados Unidos Mexicanos y los Estados Unidos de Norteamérica para la Protección de Aves Migratorias y de Mamíferos Cinegéticos, firmado en esta ciudad el 7 del mes en curso, que esta Secretaría se permite proponer la ciudad de Washington para los efectos del canje de ratificaciones a que se refiere el artículo VI del Convenio mencionado, tan pronto como sea practicable.

Aprovecho la oportunidad para renovar a usted las seguridades de mi atenta consideración.

Eduardo HAY.

Señor Henry R. Norweb,  
Encargado de Negocios ad-interim  
de los Estados Unidos de América.  
Presente.

EMBASSY OF THE  
UNITED STATES OF AMERICA.

No. 1488.

EXCELLENCY,

I have the honor to acknowledge with appreciation Your Excellency's courteous note No. 3 Ref. III/, of February 10th, 1936, in which it is suggested with reference to the Convention between the United States of America and the United Mexican States for the Protection of Migratory Birds and Game Mammals signed in this city on the 7th of this month that the ratifications provided for in

<sup>1</sup> Traduction du Gouvernement des Etats-Unis d'Amérique.

## EXCHANGE OF NOTES.

## I.

<sup>1</sup> TRADUCTION. — TRANSLATION.

DEPARTMENT  
OF FOREIGN RELATIONS  
UNITED MEXICAN STATES  
MEXICO CITY

MEXICO CITY, February 10th, 1936.

MR. CHARGÉ D'AFFAIRES,

I have the honor to advise you, with regard to the Convention between the United Mexican States and the United States of North America for the Protection of Migratory Birds and Game Mammals, signed in this city on the 7th instant, that this Department takes the liberty of proposing the city of Washington for the purpose of the exchange of ratifications referred to by Article VI of the said Convention as soon as may be practicable.

I avail myself of the opportunity to renew to you the assurances of my high consideration.

Eduardo HAY.

Mr. Henry R. Norweb,  
Chargé d'Affaires *ad interim*  
of the United States of America,  
City.

## II.

MEXICO, February 11th, 1936.

<sup>1</sup> Translation of the Government of the United States of America.

Article VI of the above-mentioned Convention be exchanged in Washington. It is understood that this proposal is satisfactory to my Government and that the treaty shall take effect on the date of the exchange of ratifications.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration.

R. Henry NORWEB,  
*Chargé d'affaires ad interim.*

His Excellency  
Señor General Eduardo Hay,  
Minister for Foreign Affairs,  
Mexico.

Certified to be a true and complete textual copy of the original Convention in all the languages in which it was signed.

For the Secretary of State  
of the United States of America :

C. E. MacEachran,  
*Chief Clerk and Administrative Assistant.*

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<sup>1</sup> TRADUCTION. — TRANSLATION.

N<sup>o</sup> 4119. — CONVENTION ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LES ÉTATS-UNIS DU MEXIQUE RELATIVE A LA PROTECTION DES OISEAUX MIGRATEURS ET DES MAMMIFÈRES CHASSÉS. SIGNÉE A MEXICO, LE 7 FÉVRIER 1936.

Considérant qu'un certain nombre d'oiseaux dits migrateurs traversent dans leurs voyages les ETATS-UNIS D'AMÉRIQUE et LES ETATS-UNIS DU MEXIQUE et vivent temporairement dans ces pays ;

Considérant qu'il est juste et qu'il convient de protéger lesdits oiseaux migrateurs, quelle que soit leur origine, dans les Etats-Unis d'Amérique et les Etats-Unis du Mexique, afin que ces espèces ne soient pas exterminées ;

Considérant qu'il est nécessaire, pour atteindre ce but, d'employer des mesures adéquates qui permettent l'utilisation rationnelle des oiseaux migrateurs, tant pour la chasse que pour l'alimentation, le commerce et l'industrie ;

Les gouvernements des deux pays sont convenus de conclure une convention qui réponde aux besoins susmentionnés et, à cette fin, ont nommé pour leurs plénipotentiaires respectifs :

Monsieur Josephus DANIELS, représentant le Président des Etats-Unis d'Amérique, Franklin D. ROOSEVELT, et  
Monsieur Eduardo HAY, représentant le président des Etats-Unis du Mexique, le général Lázaro CÁRDENAS ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs et les avoir trouvés en bonne et due forme, ont conclu la convention suivante :

*Article premier.*

Afin de parer à l'extermination des espèces, les Hautes Parties contractantes déclarent qu'il est juste et qu'il convient de protéger les oiseaux dits migrateurs, quelle que soit leur origine, qui, dans leurs migrations, vivent temporairement dans les Etats-Unis d'Amérique et dans les Etats-Unis du Mexique, par des moyens appropriés qui permettent, dans la mesure que fixeront les Hautes Parties contractantes respectives, l'utilisation rationnelle desdits oiseaux pour la chasse, l'alimentation, le commerce et l'industrie.

*Article II.*

Les Hautes Parties contractantes conviennent de promulguer des lois, règlements et dispositions destinés à répondre au besoin exposé à l'article précédent et visant :

A) La fermeture de la chasse à certaines périodes de l'année pendant lesquelles serait interdite la capture des oiseaux migrateurs, de leurs nids ou de leurs œufs, ainsi que le transport ou la vente de ces oiseaux, morts ou vifs, de leurs produits ou de leurs dépouilles, excepté, moyennant autorisation spéciale, lorsqu'ils proviennent de fermes d'élevage privées, ou qu'ils sont destinés à des fins scientifiques, à la reproduction ou à des musées.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.