

No. 17738

**UNITED STATES OF AMERICA
and
UNION OF SOVIET SOCIALIST REPUBLICS**

**Convention concerning the conservation of migratory birds
and their environment (with appendix and joint
declaration). Signed at Moscow on 19 November 1976**

Authentic texts: English and Russian.

Registered by the United States of America on 17 April 1979.

**ÉTATS-UNIS D'AMÉRIQUE
et
UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Convention concernant la conservation des oiseaux mi-
grateurs et de leur environnement (avec appendice et
déclaration conjointe). Signée à Moscou le 19 no-
vembre 1976**

Textes authentiques : anglais et russe.

Enregistrée par les États-Unis d'Amérique le 17 avril 1979.

CONVENTION¹ BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING THE CONSERVATION OF MIGRATORY BIRDS AND THEIR ENVIRONMENT

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering that migratory birds are a natural resource of great scientific, economic, aesthetic, cultural, educational, recreational and ecological value and that this value can be increased under proper management,

Recognizing that many species of birds migrate between the United States and the Soviet Union or that species of birds which occur in the United States and the Soviet Union have common flyways, breeding, wintering, feeding or moulting areas which should be protected,

Considering that effective protection of migratory birds and their environment requires substantial national effort, but recognizing that international cooperation in this area can provide significant assistance,

Recognizing that certain species of birds in both countries are endangered and in need of particular protective measures,

Desiring to cooperate in implementing measures for the conservation of migratory birds and their environment and other birds of mutual interest,

Have agreed as follows:

Article I. 1. In this Convention, the term “migratory birds” means:

- (a) The species or subspecies of birds for which there is evidence of migration between the Soviet Union and the United States derived as a result of banding, marking or other reliable scientific evidence; or
- (b) The species or subspecies of birds, populations of which occur in the Soviet Union and the United States and have common flyways or common breeding, wintering, feeding, or moulting areas, and for these reasons there exists or could exist an exchange of individuals between such populations; the identification of such species or subspecies will be based upon data acquired by banding, marking, or other reliable scientific evidence.

2. In this Convention, the term “competent authority” means a national scientific or management agency authorized by the Contracting Party to implement the activities under this Convention. At the time of entering into force of this Convention, the Contracting Parties shall notify each other of their competent authorities for migratory birds pursuant to this Convention.

3. (a) A list of species and subspecies of birds by families, determined to be migratory in accordance with Paragraph 1 of this Article, is set forth in an Appendix to this Convention entitled “Migratory Birds”.

(b) The competent authority of each Contracting Party shall be authorized by its government to review the “Migratory Birds” Appendix, and, if necessary,

¹ Came into force on 13 October 1978 by the exchange of the instruments of ratification, which took place at Washington, in accordance with article XII (1).

make recommendations for amendments thereto. The Appendix shall be considered amended upon the date when such recommendations are accepted by the competent authority of the other Contracting Party.

4. This Convention shall apply:

- (a) For the United States of America: to all areas under the jurisdiction of the United States of America;
- (b) For the Union of Soviet Socialist Republics: to all territories under the jurisdiction of the Union of Soviet Socialist Republics.

Article II. 1. Each Contracting Party shall prohibit the taking of migratory birds, the collection of their nests and eggs and the disturbance of nesting colonies. Also, any sale, purchase or exchange of these birds, whether dead or alive, or their nests or eggs, and any sale, purchase or exchange of their products or parts shall be prohibited. The importation and exportation of migratory birds and their nests, eggs, parts, and products shall also be prohibited. Exception to these prohibitions may be made on the basis of laws, decrees or regulations of the respective Contracting Parties in the following cases:

- (a) For scientific, educational, propagative, or other specific purposes not inconsistent with the principles of this Convention;
- (b) For the establishment of hunting seasons in accordance with Paragraph 2 of this Article;
- (c) For the taking of migratory birds and the collection of their eggs by the indigenous inhabitants of the Chukchi and Koryaksk national regions, the Commander Islands and the State of Alaska for their own nutritional and other essential needs (as determined by the competent authority of the relevant Contracting Party) during seasons established in accordance with Paragraph 2 of this Article; and
- (d) For the purpose of protecting against injury to persons or property.

2. The hunting seasons for migratory birds provided for in Paragraph 1 (b) of this Article, and the seasons during which the indigenous inhabitants mentioned in Paragraph 1 (c) of this Article may take such birds and collect their eggs for their own nutritional and other essential needs (as determined by the competent authority of the relevant Contracting Party), shall be determined by the competent authority of each Contracting Party respectively. These seasons shall be set so as to provide for the preservation and maintenance of stocks of migratory birds.

3. With regard to a particular species of migratory bird, if the need arises, the competent authorities of the Contracting Parties may conclude special agreements on the conservation of these species and on the regulation of their taking. Such agreements shall not be inconsistent with the principles of this Convention.

Article III. Each Contracting Party agrees to take, as soon as possible, the measures necessary to insure the execution of this Convention and its purposes.

Article IV. 1. To the extent possible, the Contracting Parties shall undertake measures necessary to protect and enhance the environment of migratory birds and to prevent and abate the pollution or detrimental alteration of that environment.

2. Among other things, each Contracting Party shall:

(a) Provide for the immediate warning of the competent authority of the other Contracting Party in case of substantial anticipated or existing damage to significant numbers of migratory birds or the pollution or destruction of their environment. The competent authorities of the Contracting Parties will establish necessary procedures for such warnings and will cooperate to the maximum possible degree in preventing, reducing or eliminating such damage to migratory birds and their environment and in providing for the rehabilitation of their habitat.

(b) Undertake measures necessary for the control of the import, export and establishment in the wild of live animals and plants that may be harmful to migratory birds or their environment.

(c) Identify areas of breeding, wintering, feeding, and moulting which are of special importance to the conservation of migratory birds within the areas under its jurisdiction. Such identification may include areas which require special protection because of their ecological diversity or scientific value. These special areas will be included in list number I of the Appendix to this Convention entitled "Migratory Bird Habitat". The initial identification of areas shall be prepared within one year from the date of this Convention's entry into force. This list may be augmented or revised by the competent authority of each Contracting Party in relation to the areas under its jurisdiction. Such amendment enters into force upon notification of the competent authority of the other Contracting Party. Each Contracting Party shall, to the maximum extent possible, undertake measures necessary to protect the ecosystems in those special areas described on list number I against pollution, detrimental alteration and other environmental degradation.

3. The competent authorities of the Contracting Parties may by mutual agreement designate areas of special importance to the conservation of migratory birds outside the areas under their jurisdiction. These areas of special importance shall be included on list number II on the "Migratory Bird Habitat" Appendix to this Convention. This list number II may be amended by mutual agreement of the competent authorities of the Contracting Parties. Each Contracting Party shall, to the maximum extent possible, undertake measures necessary to ensure that any citizen or person subject to its jurisdiction will act in accordance with the principles of this Convention in relation to such areas. The Contracting Parties will take measures to disseminate information about the significance of these areas to the conservation of migratory birds.

Article V. 1. The Contracting Parties agree that, for the conservation of those species and subspecies of migratory birds which are in danger of extinction, special protective measures are necessary and should be taken.

2. If one Contracting Party has decided that a species, subspecies or distinct segment of a population of migratory bird is in danger of extinction, and has established special measures for its protection, the competent authority of that Contracting Party shall inform the competent authority of the other Contracting Party of that decision and of any subsequent modification of such decision.

3. Upon notification, the other Contracting Party will take into account such protective measures in the development of its management plans for the conservation of migratory birds.

Article VI. 1. The Contracting Parties shall promote research related to the conservation of migratory birds and their environment and agree to coordinate

their national bird banding programs. In cases where it is desirable, such research may be conducted under agreed upon programs coordinated by the competent authorities of the Contracting Parties.

2. The competent authorities of the Contracting Parties shall exchange scientific information and publications related to the conservation of migratory birds and their environment.

Article VII. Each Contracting Party shall to the maximum extent possible undertake measures necessary to establish preserves, refuges, protected areas, and also facilities intended for the conservation of migratory birds and their environment, and to manage such areas so as to preserve and restore the natural ecosystems.

Article VIII. In addition to those species and subspecies of birds named on the “Migratory Birds” Appendix, each Contracting Party may implement within the areas under its jurisdiction or with regard to any citizen or person subject to its jurisdiction, as it deems appropriate and necessary, any or all of the protective measures under this Convention for any species or subspecies of birds not listed in the “Migratory Birds” Appendix but belonging to the same family as a species or subspecies listed in the “Migratory Birds” Appendix.

Article IX. This Convention shall in no way affect the right of the Contracting Parties to adopt stricter domestic measures which are deemed to be necessary to conserve migratory birds and their environment.

Article X. The competent authorities of the Contracting Parties shall consult regarding the implementation of this Convention upon the request of the competent authority of either of the Contracting Parties.

Article XI. If necessary to improve the conservation of migratory birds or their environment, this Convention may be amended by the agreement of the Contracting Parties.

Article XII. 1. This Convention shall be subject to ratification or confirmation pursuant to the domestic laws of each Contracting Party and shall enter into force on the day that instruments of ratification or confirmation are exchanged in agreement with international procedures.

2. This Convention shall remain in force for a period of 15 years from the date of its entry into force. Thereafter, it shall be renewed automatically on an annual basis, provided that any Contracting Party may terminate its rights and obligations under this Convention. Such termination shall take effect on the next expiration date of this Convention and may be accomplished by transmitting written notification of termination to the other Contracting Party at least six months prior to that expiration date.

DONE in Moscow this 19th day of November, 1976, in duplicate, in the English and Russian languages, both texts being equally authentic.

For the Government
of the United States of America:

For the Government
of the Union of Soviet
Socialist Republics:

[Signed—Signé]¹

[Signed—Signé]²

[Signed—Signé]³

¹ Signed by E. U. Curtis Bohlen—Signé par E. U. Curtis Bohlen.

² Signed by Russell E. Train—Signé par Russell E. Train.

³ Signed by Boris Runov—Signé par Boris Rounov.

APPENDIX TO THE CONVENTION

MIGRATORY BIRDS

Family Gaviidae

Yellow-billed Loon,
Arctic Loon,
Pacific Loon,
Red-throated Loon,

Gavia adamsii
G. arctica
G. pacifica
G. stellata

Family Colymbidae

Red-necked Grebe,
Horned Grebe,

Podiceps grisegena
P. auritus

Family Diomedidae

Short-tailed Albatross,
Black-footed Albatross,
Laysan Albatross,

Diomedea albatrus
D. nigripes
D. immutabilis

Family Procellariidae

Fulmar,
Flesh-footed Shearwater,
New Zealand Shearwater,
Sooty Shearwater,
Slender-billed Shearwater,
Bonin Island Petrel,
Scaled Petrel,

Fulmarus glacialis
Puffinus carneipes
P. bulleri
P. griseus
P. tenuirostris
Pterodroma leucoptera (= *hypoleuca*)
P. inexpectata

Family Hydrobatidae

Fork-tailed Storm Petrel,
Leach's Storm Petrel,
Harcourt's Storm Petrel,

Oceanodroma furcata
O. leucorhoa
O. castro

Family Phalacrocoracidae

Pelagic Cormorant,
Red-faced Cormorant,

Phalacrocorax pelagicus
P. urile

Family Ardeidae

Plumed Egret,
Chinese Egret,
Chinese Least Bittern,
Shrenck's Least Bittern,

Egretta intermedia
E. eulophotes
Ixobrychus sinensis
I. eurhythmus

Family Anatidae

Whooper Swan,
Bewick's Swan,
Whistling Swan,
Canada Goose,
Black Brant,
Emperor Goose,
White-fronted Goose,
Bean Goose,
Snow Goose,
Mallard,
Spot-billed Duck,
Pintail,
Garganey,
Falcated Teal,
Green-winged Teal,

Cygnus cygnus
C. bewickii
C. columbianus
Branta canadensis
B. nigricans
Philacte canagica
Anser albifrons
A. fabilis
Chen caerulescens
Anas platyrhynchos
A. poecilorhyncha
A. acuta
A. querquedula
A. falcata
A. crecca

Baikal Teal,	<i>A. formosa</i>
European Wigeon,	<i>A. penelope</i>
American Wigeon,	<i>A. americana</i>
Shoveler,	<i>A. clypeata</i>
Common Pochard,	<i>Aythya ferina</i>
Greater Scaup,	<i>A. marila</i>
Tufted Duck,	<i>Aythya fuligula</i>
Common Goldeneye,	<i>Bucephala clangula</i>
Bufflehead,	<i>B. albeola</i>
Oldsquaw,	<i>Clangula hyemalis</i>
Harlequin Duck,	<i>Histrionicus histrionicus</i>
Steller's Eider,	<i>Polysticta stelleri</i>
Common Eider,	<i>Somateria mollissima</i>
King Eider,	<i>S. spectabilis</i>
Spectacled Eider,	<i>S. fischeri</i>
White-winged Scoter,	<i>Melanitta deglandi</i>
Surf Scoter,	<i>M. perspicillata</i>
Black Scoter,	<i>M. nigra</i>
Red-breasted Merganser,	<i>Mergus serrator</i>
Common Merganser,	<i>M. merganser</i>
Smew,	<i>M. albellus</i>
Family Accipitridae	
Black Kite,	<i>Milvus korschun (=migrans)</i>
Asiatic Sparrow Hawk,	<i>Accipiter virgatus (=gularis)</i>
Rough-legged Hawk,	<i>Buteo lagopus</i>
Golden Eagle,	<i>Aquila chrysaetos</i>
White-tailed Eagle,	<i>Haliaeetus albicilla</i>
Bald Eagle,	<i>H. leucocephalus</i>
Steller's Sea Eagle,	<i>H. pelagicus</i>
Northern Harrier,	<i>Circus cyaneus</i>
Family Pandionidae	
Osprey,	<i>Pandion Haliaeetus</i>
Family Falconidae	
Gyr Falcon,	<i>Falco rusticolus</i>
Peregrine Falcon,	<i>Falco peregrinus</i>
Merlin,	<i>F. columbarius</i>
Family Gruidae	
Common Crane,	<i>Grus grus</i>
Sandhill Crane,	<i>G. canadensis</i>
Family Rallidae	
European Coot,	<i>Fulica atra</i>
Family Charadriidae	
Semipalmated Plover,	<i>Charadrius semipalmatus</i>
Little Ringed Plover,	<i>C. dubius</i>
Mongolian Plover,	<i>C. mongolus</i>
American Golden Plover,	<i>Pluvialis dominica</i>
Black-bellied Plover,	<i>P. squatarola</i>
Dotterel,	<i>Eudromias morinellus</i>
Family Scolopacidae	
Ruddy Turnstone,	<i>Arenaria interpres</i>
Common Snipe,	<i>Capella (=Gallinago) gallinago</i>

Pintail Snipe,
Marsh Snipe,
European Jacksnipe,
Whimbrel,
Far Eastern Curlew,
Terek Sandpiper,
Common Sandpiper,
Wood Sandpiper,
Spotted Redshank,
Marsh Sandpiper,
Greenshank,
Wandering Tattler,
Polynesian Tattler,
Red Knot,
Great Knot,
Rock Sandpiper,
Sharp-tailed Sandpiper,
Pectoral Sandpiper,
Baird's Sandpiper,
Temminck's Stint,
Long-toed Stint,
Rufous-necked Sandpiper,
Curlew Sandpiper,
Dunlin,
Western Sandpiper,
Sanderling,
Long-billed Dowitcher,
Buff-breasted Sandpiper,
Bar-tailed Godwit,
Black-tailed Godwit,
Ruff,
Spoon-bill Sandpiper,
Broad-billed Sandpiper,

C. (= Gallinago) stenura
C. (= Gallinago) megala
Limnocyptes minimus
Numenius phaeopus
N. madagascariensis
Xenus cinereus
Tringa (= Actitis) hypoleucos
Tringa glareola
T. erythropus
T. stagnatilis
T. nebularia
Heteroscelus incanus
Heteroscelus brevipes
Calidris canutus
C. tenuirostris
C. ptilocnemis
C. acuminata
C. melanotos
C. bairdii
C. temminckii
C. subminuta
C. ruficollis
C. ferruginea
C. alpina
C. mauri
C. alba
Limnodromus scolopaceus
Tryngites subruficollis
Limosa lapponica
L. limosa
Philomachus pugnax
Eurynorhynchus pygmeus
Limicola falcinellus

Family Phalaropodidae

Wilson's Phalarope,
Red Phalarope,
Northern Phalarope,

Phalaropus tricolor
P. fulicarius
P. lobatus

Family Stercorariidae

Pomarine Jaeger,
Parasitic Jaeger,
Long-tailed Jaeger,

Stercorarius pomarinus
Stercorarius parasiticus
S. longicaudus

Family Laridae

Glaucous Gull,
Glaucous-winged Gull,
Slaty-backed Gull,
Herring Gull,
Mew Gull,
Black-headed Gull,
Ivory Gull,
Black-legged Kittiwake,
Red-legged Kittiwake,
Ross' Gull,
Sabine's Gull,
White-winged Black Tern,
Common Tern,

Larus hyperboreus
L. glaucescens
L. schistisagus
L. argentatus
L. canus
L. ridibundus
Pagophila eburnea
Rissa tridactyla
R. brevirostris
Rhodostethia rosea
Xema sabini
Chlidonias leucoptera
Sterna hirundo

Arctic Tern, Aleutian Tern, Little Tern,	<i>S. paradisaea</i> <i>S. aleutica</i> <i>S. albifrons</i>
Family Alcidae	
Common Murre, Thick-billed Murre, Black Guillemot, Pigeon Guillemot, Marbled Murrelet, Kittlitz's Murrelet, Ancient Murrelet, Parakeet Auklet, Crested Auklet, Least Auklet, Whiskered Auklet, Horned Puffin, Tufted Puffin,	<i>Uria aalge</i> <i>U. lomvia</i> <i>Cepphus grylle</i> <i>C. columba</i> <i>Brachyramphus marmoratus</i> <i>B. brevirostris</i> <i>Synthliboramphus antiquus</i> <i>Cyclorhynchus psittacula</i> <i>Aethia cristatella</i> <i>A. pusilla</i> <i>A. pygmaea</i> <i>Fratercula corniculata</i> <i>Fratercula (=Lunda) cirrhata</i>
Family Cuculidae	
Fugitive Hawk Cuckoo, Common Cuckoo, Oriental Cuckoo,	<i>Cuculus fugax</i> <i>C. canorus</i> <i>C. saturatus</i>
Family Strigidae	
Snowy Owl, Hawk Owl, Short-eared Owl, Boreal Owl,	<i>Nyctea scandiaca</i> <i>Surnia ulula</i> <i>Asio flammeus</i> <i>Aegolius funereus</i>
Family Apodidae	
White-rumped Swift, Common Swift, Needle-tailed Swift,	<i>Apus pacificus</i> <i>A. apus</i> <i>Hirundapus caudacutus</i>
Family Upupidae	
Hoopoe,	<i>Upupa epops</i>
Family Picidae	
Wryneck,	<i>Jynx torquilla</i>
Family Alaudidae	
Skylark, Horned Lark,	<i>Alauda arvensis</i> <i>Eremophila alpestris</i>
Family Hirundinidae	
Tree Swallow, Bank Swallow, House Martin, Barn Swallow, Cliff Swallow,	<i>Iridoprocne bicolor</i> <i>Riparia riparia</i> <i>Celichon urbica</i> <i>Hirundo rustica</i> <i>Petrochelidon pyrrhonota</i>
Family Corvidae	
Common Raven,	<i>Corvus corax</i>
Family Turdidae	
Fieldfare, Dusky Thrush,	<i>Turdus pilaris</i> <i>T. pallidus (=obscurus)</i>

Blue Rock Thrush, Swainson's Thrush, Gray-cheeked Thrush, Wheatear, Bluethroat, Siberian Rubythroat,	<i>Monticola solitarius</i> (= <i>solitaria</i>) <i>Catharus ustulatus</i> <i>C. minimus</i> <i>Ænathæ ænathæ</i> <i>Luscinia svecia</i> <i>L. calliope</i>
Family Sylviidae Willow Warbler, Arctic Warbler, Middendorff's Grasshopper Warbler,	<i>Phylloscopus trochilus</i> <i>P. borealis</i> <i>Locustella ochotensis</i>
Family Muscicapidae Gray-spotted Flycatcher,	<i>Muscicapa griseisticta</i>
Family Prunellidae Mountain Accentor,	<i>Prunella montanella</i>
Family Motacillidae Gray Wagtail, White Wagtail, Yellow Wagtail, Water Pipit, Indian Tree Pipit, Pechora Pipit, Red-throated Pipit,	<i>Motacilla cinerea</i> <i>M. alba</i> <i>M. flava</i> <i>Anthus spinoletta</i> <i>A. hodgsoni</i> <i>Anthus gustavi</i> <i>A. cervinus</i>
Family Laniidae Northern Shrike,	<i>Lanius excubitor</i>
Family Parulidae Yellow-rumped Warbler, Northern Waterthrush,	<i>Dendroica coronata</i> <i>Seiurus noveboracensis</i>
Family Fringillidae Brambling, Hawfinch, Eurasian Bullfinch, Common Rosefinch, Hoary Redpoll, Common Redpoll,	<i>Fringilla montifringilla</i> <i>Coccothraustes coccothraustes</i> <i>Pyrrhula pyrrhula</i> <i>Carpodacus erythrinus</i> <i>Acanthis hornemanni</i> <i>A. flammea</i>
Family Emberizidae Savannah Sparrow, Slate-colored Junco, Fox Sparrow, Lapland Longspur, Snow Bunting, Rustic Bunting, Pallas' Reed Bunting,	<i>Passerculus sandwichensis</i> <i>Junco hyemalis</i> <i>Passerella iliaca</i> <i>Calcarius lapponicus</i> <i>Plectrophenax nivalis</i> <i>Emberiza rustica</i> <i>E. pallasi</i>

JOINT DECLARATION

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics,

Considering that the migratory birds covered by the Convention on the Conservation of Migratory Birds and Their Environment are an international resource of great ecological value and that they migrate between other countries as well as the United States of America and the Union of Soviet Socialist Republics,

Recognizing that the protection of these migratory birds and their environment requires expanded international cooperation and that it would be highly desirable to have other countries accede to this Convention,

Have agreed to consider the expansion of the Convention to include additional Contracting Parties and have agreed to initiate the necessary procedures to accomplish this goal.

DONE in Moscow this 19th day of November, 1976, in duplicate, in the English and Russian languages, both texts being equally authentic.

For the Government
of the United States of America:

[Signed — Signé]¹

[Signed — Signé]²

For the Government
of the Union of Soviet
Socialist Republics:

[Signed — Signé]³

¹ Signed by E. U. Curtis Bohlen—Signé par E. U. Curtis Bohlen.

² Signed by Russell E. Train—Signé par Russell E. Train.

³ Signed by Boris Runov—Signé par Boris Rounov.