

No. 21945

**JAPAN
and
CHINA**

**Agreement concerning the protection of migratory birds
and their habitats (with annex and exchange of notes).
Signed at Beijing on 3 March 1981**

*Authentic texts: Japanese and Chinese.
Registered by Japan on 22 June 1983.*

**JAPON
et
CHINE**

**Accord relatif à la protection des oiseaux migrateurs et de
leurs habitats (avec annexe et échange de notes). Signé
à Beijing le 3 mars 1981**

*Textes authentiques : japonais et chinois.
Enregistré par le Japon le 22 juin 1983.*

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA CONCERNING THE PROTECTION OF MIGRATORY BIRDS AND THEIR HABITATS

The Government of Japan and the Government of the People's Republic of China,

Considering that birds constitute an important element of the natural ecosystem and a natural resource having significant value for art, science, culture, recreation, economics and other fields,

In view of the fact that many species of bird are migratory birds which travel between the two countries and reside seasonally in both countries,

Desiring to undertake co-operation in the protection and management of migratory birds and their habitats,

Have agreed as follows:

Article 1. 1. In this Agreement, the term "migratory birds" shall refer to:

- (1) Birds which have been positively identified through the recovery of bands or other markings as migrating between the two countries;
- (2) Migrating birds which have been positively identified on the basis of specimens, photographs, scientific data or other reliable evidence as inhabiting both countries.

2. (1) The names of the species of bird referred to in paragraph 1 of this article are listed in the annex to this Agreement.

(2) In the event that the text of this Agreement is not amended, the annex may be amended if the Governments of both countries so agree; such amendments shall enter into force 90 days from the day on which the Governments of the two countries confirm them by means of an exchange of diplomatic notes.

Article 2. 1. The hunting of migratory birds and the collection of their eggs shall be prohibited. However, in accordance with the laws and regulations of each State, exceptions may be made under the following circumstances:

- (1) For scientific and educational purposes, for purposes of domestication and breeding and for other specific purposes that are not inconsistent with the spirit of this Agreement;
- (2) To protect human life and property;
- (3) During the hunting seasons specified in paragraph 3 of this article.

2. The sale, purchase or exchange of migratory birds which have been hunted or of the eggs of migratory birds which have been collected in violation of the provisions of paragraph 1 of this article, as well as of any products derived therefrom or parts thereof, shall be prohibited.

¹ Came into force on 8 June 1981, the date on which the Parties notified each other of the completion of their required legal procedures, in accordance with article 6 (1).

3. The Governments of the two countries, taking into account the living conditions of migratory birds, may fix a hunting season for such birds, in accordance with the provisions of each country's laws and regulations.

Article 3. 1. The Governments of the two countries shall encourage the exchange of data and publications relating to research on migratory birds.

2. The Governments of the two countries shall encourage the development of co-operative research projects relating to migratory birds.

3. The Governments of the two countries shall encourage the protection of migratory birds, particularly in the case of migratory birds threatened with extinction.

Article 4. In order to protect and manage migratory birds and their habitats, the Governments of the two countries shall, in accordance with their respective laws and regulations, establish sanctuaries and shall take other appropriate measures; in particular, they shall:

- (1) Explore methods of protecting migratory birds and their habitats from harm;
- (2) Strictly limit the import and introduction of animals and plants that are harmful to protected migratory birds.

Article 5. The Governments of the two countries may hold consultations on the implementation of this Agreement at the request of the Government of either Party.

Article 6. 1. This Agreement shall enter into force as of the date on which the countries notify each other that each has carried out the procedures required by its internal laws for entry into force. This Agreement shall remain in force for a period of 15 years, after which time it will continue to remain in force until the declaration terminating it specified in paragraph 2 of this article is made.

2. Upon expiration of the initial 15-year period and thereafter, the Government of either Party may terminate the Agreement at any time by notifying the Government of the other Party in writing one year beforehand.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Agreement.

DONE at Beijing on 3 March 1981, in duplicate in the Japanese and Chinese languages, both texts being equally authentic.

For the Government
of Japan:

KENZO YOSHIDA

For the Government
of the People's Republic of China:

YONG WENSHOU

ANNEX

1. Red-throated diver	<i>Gavia stellata</i>
2. Black-throated diver	<i>Gavia arctica (Gavia pacifica)</i>
3. White-billed diver	<i>Gavia adamsii (Gavia immer)</i>
4. Horned grebe	<i>Podiceps auritus</i>
5. Black-necked grebe	<i>Podiceps nigricollis</i>
6. Great crested grebe	<i>Podiceps cristatus</i>
7. Short-tailed albatross	<i>Diomedea albatrus</i>
8. Black-footed albatross	<i>Diomedea nigripes</i>
9. Bulwer's petrel	<i>Bulweria bulwerii</i>
10. Swinhoe's storm-petrel	<i>Oceanodroma monorhis</i>
11. Pelagic cormorant	<i>Phalacrocorax pelagicus</i>
12. Purple heron	<i>Ardea purpurea</i>
13. Green-backed (or striated) heron	<i>Butorides striatus</i>
14. Cattle egret	<i>Bubulcis ibis</i>
15. Great white heron	<i>Egretta alba</i>
16. Yellow-billed (or plumed) egret	<i>Egretta intermedia</i>
17. Night heron	<i>Nycticorax nycticorax</i>
18. Japanese night heron	<i>Gorsachius goesagi</i>
19. Malay night heron	<i>Gorsachius melanolophus</i>
20. Chinese little bittern	<i>Ixobrychus sinensis</i>
21. Schrenk's little bittern	<i>Ixobrychus eurhythmus</i>
22. European bittern	<i>Botaurus stellaris</i>
23. Black stork	<i>Ciconia nigra</i>
24. Oriental white ibis	<i>Threskiornis melanocephalus (Threskiornis aethiopicus)</i>
25. White spoonbill	<i>Platalea leucorodia</i>
26. Black-faced spoonbill	<i>Platalea minor</i>
27. Brent goose	<i>Branta bernicla</i>
28. Swan goose	<i>Anser cygnoides</i>
29. Bean goose	<i>Anser fabalis</i>
30. White-fronted goose	<i>Anser albifrons</i>
31. Lesser white-fronted goose	<i>Anser erythropus</i>
32. Whooper swan	<i>Cygnus cygnus</i>
33. Bewick's swan	<i>Cygnus columbianus</i>
34. Ruddy shelduck	<i>Tadorna ferruginea</i>
35. Shelduck	<i>Tadorna tadorna</i>
36. Pintail	<i>Anas acuta</i>
37. Teal	<i>Anas crecca</i>
38. Baikal teal	<i>Anas formosa</i>
39. Falcated teal	<i>Anas falcata</i>
40. Mallard	<i>Anas platyrhynchos</i>
41. Gadwall	<i>Anas strepera</i>
42. Wigeon	<i>Anas penelope</i>
43. Garganey	<i>Anas querquedula</i>
44. Shoveller	<i>Anas clypeata</i>
45. Pochard	<i>Aythya ferina</i>
46. Baer's pochard	<i>Aythya baeri</i>
47. Tufted duck	<i>Aythya fuligula</i>
48. Scaup	<i>Aythya marila</i>
49. Velvet scoter	<i>Melanitta fusca</i>
50. Harlequin duck	<i>Histrionicus histrionicus</i>

51. Long-tailed duck	<i>Clangula hyemalis</i>
52. Goldeneye	<i>Bucephala clangula</i>
53. Smew	<i>Mergus albellus</i>
54. Red-breasted merganser	<i>Mergus serrator</i>
55. Goosander	<i>Mergus merganser</i>
56. Japanese sparrow-hawk (Besra sparrow-hawk)	<i>Accipiter gularis (Accipiter virgatus)</i>
57. Rough-legged buzzard	<i>Buteo lagopus</i>
58. Grey-faced buzzard-eagle	<i>Butastur indicus</i>
59. Steller's sea-eagle	<i>Haliaeetus pelagicus</i>
60. Hen harrier	<i>Circus cyaneus</i>
61. Marsh harrier	<i>Circus aeruginosus</i>
62. Gyrfalcon	<i>Falco rusticolus (Falco gyrfalco)</i>
63. Northern hobby	<i>Falco subbuteo</i>
64. Merlin or pigeon hawk	<i>Falco columbarius</i>
65. Quail	<i>Coturnix coturnix</i>
66. Crane	<i>Grus grus</i>
67. Hooded crane	<i>Grus monacha</i>
68. White-naped crane	<i>Grus vipio</i>
69. Water rail	<i>Rallus aquaticus</i>
70. Baillon's crane	<i>Porzana pusilla</i>
71. Chinese ruddy crane or ruddy-breasted crane	<i>Porzana fusca</i>
72. Swinhoe's yellow rail	<i>Porzana exquisita (Coturnicops noveboracensis)</i>
73. Watercock	<i>Gallicrex cinerea</i>
74. Moorhen	<i>Gallinula chloropus</i>
75. Painted snipe	<i>Rostratula benghalensis</i>
76. Oystercatcher	<i>Haematopus ostralegus</i>
77. Lapwing	<i>Vanellus vanellus</i>
78. Grey plover	<i>Pluvialis squatarola</i>
79. Asiatic golden plover	<i>Pluvialis dominica</i>
80. Mongolian plover	<i>Charadrius mongolus</i>
81. Large sand plover	<i>Charadrius leschenaultii</i>
82. Whimbrel	<i>Numenius phaeopus</i>
83. Eurasian curlew	<i>Numenius arquata</i>
84. Far-eastern curlew (or red-rumped curlew, long-billed curlew, Australian curlew)	<i>Numenius madagascariensis</i>
85. Black-tailed godwit	<i>Limosa limosa</i>
86. Bar-tailed godwit	<i>Limosa lapponica</i>
87. Spotted redshank	<i>Tringa erythropus</i>
88. Redshank	<i>Tringa totanus</i>
89. Marsh sandpiper	<i>Tringa stagnatilis</i>
90. Greenshank	<i>Tringa nebularia</i>
91. Green sandpiper	<i>Tringa ochropus</i>
92. Wood sandpiper	<i>Tringa glareola</i>
93. Spotted greenshank	<i>Tringa guttifer</i>
94. Common sandpiper	<i>Tringa hypoleucos</i>
95. Polynesian sandpiper or tattler (wandering tattler)	<i>Tringa brevipes (Tringa incana)</i>
96. Terek sandpiper	<i>Xenus cinereus</i>
97. Turnstone	<i>Arenaria interpres</i>

98. Solitary snipe	<i>Gallinago solitaria (Capella solitaria)</i>
99. Swinhoe's (or forest) snipe	<i>Gallinago megala (Capella megala)</i>
100. Common snipe	<i>Gallinago gallinago (Capella gallinago)</i>
101. Woodcock	<i>Scolopax rusticola</i>
102. Knot	<i>Calidris canutus</i>
103. Great knot	<i>Calidris tenuirostris</i>
104. Red-necked stint	<i>Calidris ruficollis</i>
105. Long-toed stint	<i>Calidris minutilla (Calidris subminuta)</i>
106. Temminck's stint	<i>Calidris temminckii</i>
107. Sharp-tailed sandpiper	<i>Calidris acuminata</i>
108. Dunlin	<i>Calidris alpina</i>
109. Curlew sandpiper	<i>Calidris ferruginea</i>
110. Sanderling	<i>Crocethia alba (Calidris alba)</i>
111. Spoon-billed sandpiper	<i>Eurynorynchus pygmeus</i>
112. Broad-billed sandpiper	<i>Limicola falcinellus</i>
113. Ruff (female, reeve)	<i>Philomachus pugnax</i>
114. Black-winged stilt	<i>Himantopus himantopus</i>
115. Avocet	<i>Recurvirostra avosetta</i>
116. Red-necked phalarope	<i>Phalaropus lobatus</i>
117. Grey phalarope	<i>Phalaropus fulicarius</i>
118. Oriental pratincole	<i>Glareola maldivarum</i>
119. Pomarine jaeger	<i>Stercorarius pomarinus</i>
120. Common gull	<i>Larus canus</i>
121. Herring gull	<i>Larus argentatus</i>
122. Slaty-backed gull	<i>Larus schistisagus</i>
123. Black-headed gull	<i>Larus ridibundus</i>
124. Black-legged kittiwake	<i>Larus tridactylus (Rissa tridactyla)</i>
125. Common tern	<i>Sterna hirundo</i>
126. Roseate tern	<i>Sterna dougallii</i>
127. Black-naped tern	<i>Sterna sumatrana</i>
128. Bridled tern	<i>Sterna anaethetus</i>
129. Sooty tern	<i>Sterna fuscata</i>
130. Little tern	<i>Sterna albifrons</i>
131. Marbled murrelet	<i>Brachyramphus marmoratus</i>
132. Ancient murrelet	<i>Synthliboramphus antiquus</i>
133. Hodgson's hawk-cuckoo	<i>Cuculus fugax</i>
134. Cuckoo	<i>Cuculus canorus</i>
135. Oriental (or Himalayan) cuckoo	<i>Cuculus saturatus</i>
136. Little cuckoo	<i>Cuculus poliocephalus</i>
137. Snowy owl	<i>Nyctea scandiaca</i>
138. Long-eared owl	<i>Asio otus</i>
139. Short-eared owl	<i>Asio flammeus</i>
140. Jungle nightjar	<i>Caprimulgus indicus</i>
141. White-throated needle-tailed swift	<i>Chaetura caudacuta (Hirundapus caudacutus)</i>
142. White-rumped swift	<i>Apus pacificus</i>
143. Little swift	<i>Apus affinis</i>
144. Ruddy kingfisher	<i>Halcyon coromanda</i>
145. Broad-billed roller	<i>Eurystomus orientalis</i>
146. Fairy pitta	<i>Pitta brachyura (Pitta nympha)</i>
147. Horned lark	<i>Eremophila alpestris</i>
148. Sand martin	<i>Riparia riparia</i>
149. European swallow	<i>Hirundo rustica</i>
150. Red-rumped swallow	<i>Hirundo daurica</i>

151. House martin	<i>Delichon urbica</i>
152. Forest wagtail	<i>Dendronanthus indicus</i>
153. Yellow wagtail	<i>Motacilla flava</i>
154. Yellow-headed wagtail	<i>Motacilla citreola</i>
155. White wagtail	<i>Motacilla alba</i>
156. Richard's pipit	<i>Anthus novaeseelandiae</i>
157. Eastern tree-pipit	<i>Anthus hodgsoni</i>
158. Petchora pipit	<i>Anthus gustavi</i>
159. Red-throated pipit	<i>Anthus cervinus</i>
160. Water pipit	<i>Anthus spinoletta</i>
161. Ashy minivet	<i>Pericrocotus divaricatus</i>
162. Waxwing	<i>Bombycilla garrulus</i>
163. Japanese waxwing	<i>Bombycilla japonica</i>
164. Thick-billed shrike	<i>Lanius tigrinus</i>
165. Brown shrike	<i>Lanius cristatus</i>
166. Great grey shrike	<i>Lanius excubitor</i>
167. Black-naped oriole	<i>Oriolus chinensis</i>
168. Red-cheeked starling	<i>Sturnus philippensis</i>
169. Eurasian rook	<i>Corvus frugilegus</i>
170. Jackdaw	<i>Corvus monedula</i>
171. Japanese robin	<i>Erithacus akahige (Luscinia akahige)</i>
172. Red-tailed robin	<i>Erithacus sibilans (Luscinia sibilans)</i>
173. Siberian rubythroat	<i>Erithacus calliope (Luscinia calliope)</i>
174. Siberian blue robin	<i>Erithacus cyane (Luscinia cyane)</i>
175. Red-flanked bush-robin	<i>Tarsiger cyanurus</i>
176. Daurian redstart	<i>Phoenicurus aureorus</i>
177. European stonechat	<i>Saxicola torquata</i>
178. Siberian thrush	<i>Turdus sibiricus (Zoothera sibirica)</i>
179. Golden mountain-thrush	<i>Turdus dauma (Zoothera dauma)</i>
180. Grey-backed thrush	<i>Turdus hortulorum</i>
181. Grey thrush	<i>Turdus cardis</i>
182. Pale thrush (red-bellied thrush, eye-browed thrush)	<i>Turdus pallidus (Turdus chrysolaus, Turdus obscurus)</i>
183. Naumann's thrush	<i>Turdus naumanni</i>
184. Short-tailed bush-warbler	<i>Cettia squameiceps</i>
185. Middendorf's grasshopper-warbler	<i>Locustella ochotensis</i>
186. Lanceolated grasshopper-warbler	<i>Locustella lanceolata</i>
187. Gray's grasshopper-warbler	<i>Locustella fasciolata</i>
188. Great reed-warbler	<i>Acrocephalus arundinaceus</i>
189. Black-browed reed-warbler	<i>Acrocephalus bistrigiceps</i>
190. Yellow-browed warbler	<i>Phylloscopus inornatus</i>
191. Arctic warbler	<i>Phylloscopus borealis</i>
192. Pale-legged leaf-warbler	<i>Phylloscopus tenellipes</i>
193. Crowned leaf-warbler	<i>Phylloscopus occipitalis (Phylloscopus coronatus)</i>
194. Korean flycatcher	<i>Ficedula zanthopygia</i>
195. Narcissus flycatcher	<i>Ficedula narcissina</i>
196. Mugimaki flycatcher	<i>Ficedula mugimaki</i>
197. Blue and white flycatcher	<i>Cyanoptila cyanomelana (Ficedula cyanomelana)</i>
198. Sooty flycatcher	<i>Muscicapa sibirica</i>
199. Grey-spotted flycatcher	<i>Muscicapa griseisticta</i>
200. Brown flycatcher	<i>Muscicapa latirostris</i>

201. Black-tailed paradise flycatcher	<i>Terpsiphone atrocaudata</i>
202. Cinnamon sparrow	<i>Passer rutilans</i>
203. Brambling	<i>Fringilla montifringilla</i>
204. Siskin	<i>Carduelis spinus</i>
205. Holarctic redpoll	<i>Acanthis flammea (Carduelis flammea)</i>
206. Arctic (or hoary) redpoll	<i>Acanthis hornemanni (Carduelis hornemanni)</i>
207. Arctoa mountain-finch or rosy-finch	<i>Leucosticte arctoa</i>
208. Common rosefinch	<i>Carpodacus erythrinus</i>
209. Pallas's rosefinch	<i>Carpodacus roseus</i>
210. Crossbill	<i>Loxia curvirostra</i>
211. Two-barred crossbill	<i>Loxia leucoptera</i>
212. Eurasian bullfinch	<i>Pyrrhula pyrrhula</i>
213. Black-tailed hawfinch	<i>Eophona migratoria</i>
214. Eurasian hawfinch	<i>Coccothraustes coccothraustes</i>
215. Pine bunting	<i>Emberiza leucocephala</i>
216. Yellow-breasted bunting	<i>Emberiza aureola</i>
217. Yellow-throated bunting	<i>Emberiza elegans</i>
218. Black-faced bunting	<i>Emberiza spodocephala</i>
219. Japanese yellow bunting	<i>Emberiza sulphurata</i>
220. Grey-hooded bunting	<i>Emberiza fucata</i>
221. Rustic bunting	<i>Emberiza rustica</i>
222. Little bunting	<i>Emberiza pusilla</i>
223. Tristram's bunting	<i>Emberiza tristrami</i>
224. Pallas's reed-bunting	<i>Emberiza pallasi</i>
225. Reed bunting	<i>Emberiza schoeniclus</i>
226. Lapland bunting	<i>Calcarius lapponicus</i>
227. Snow bunting	<i>Plectrophenax nivalis</i>

[TRANSLATION]

Beijing, 3 March 1981

With reference to the Agreement between the Government of Japan and the Government of the People's Republic of China concerning the protection of migratory birds and their habitats, signed today, I have the honour, on behalf of the Government of Japan, to confirm the understanding between the two Governments that the scientific names of the species of migratory birds which are listed in the annex to the said Agreement are as indicated in the annex¹ to this note.

I have the honour to request Your Excellency once again to confirm the aforementioned understanding on behalf of the Government of your country.

I wish to express to Your Excellency, etc.

[Signed]

KENZO YOSHIDA
Ambassador Extraordinary
and Plenipotentiary of Japan
to the People's Republic of China

His Excellency
Mr. Yong Wenshou
Minister of Forestry
of the People's Republic of China

[TRADUCTION]

Beijing, le 3 mars 1981

Me référant à l'Accord entre le Gouvernement japonais et le Gouvernement de la République populaire de Chine relatif à la protection des oiseaux migrateurs et de leurs habitats, signé ce jour, j'ai l'honneur, au nom du Gouvernement japonais, de confirmer l'accord entre les deux gouvernements selon lequel les noms scientifiques des espèces d'oiseaux migrateurs dont la nomenclature figure en annexe dudit Accord sont tels qu'indiqués dans l'annexe¹ à la présente note.

J'ai l'honneur de vous prier à nouveau de confirmer l'accord ci-dessus au nom de votre gouvernement.

Veillez agréer, etc.

L'Ambassadeur extraordinaire
et plénipotentiaire du Japon auprès
de la République populaire de Chine,

[Signé]

KENZO YOSHIDA

Son Excellence
Monsieur Yong Wenshou
Ministre des forêts
de la République populaire de Chine

¹ For the text of list, see pp. 231 to 235 of this volume.

¹ Pour le texte de la liste, voir p. 238 à 242 du présent volume.

[TRANSLATION]

Beijing, 3 March 1981

Excellency,

I have the honour to receive your letter of today's date, which reads as follows:

[See note I]

On behalf of the Government of the People's Republic of China, I hereby confirm the understanding set forth in the above letter and attach a copy of the list enclosed with the Japanese letter arranged according to Chinese,* Japanese and scientific nomenclature.

Accept, Sir, etc.

YONG WENSHOU

Minister of Forestry
of the People's Republic of China

His Excellency

Mr. Kenzo Yoshida
Ambassador Extraordinary
and Plenipotentiary of Japan
in the People's Republic of China

[TRADUCTION]

Beijing, le 3 mars 1981

Excellence,

J'ai l'honneur de recevoir votre lettre en date de ce jour, dont la teneur suit :

[Voir note I]

Au nom du Gouvernement de la République populaire de Chine, je confirme par la présente l'accord exposé dans la lettre ci-dessus et joins une copie de la nomenclature d'oiseaux annexée à la lettre japonaise avec leurs noms chinois, japonais et scientifiques*.

Veillez agréer, etc.

Le Ministre des forêts
de la République populaire de Chine,

YONG WENSHOU

Son Excellence

Monsieur Kenzo Yoshida
Ambassadeur extraordinaire
et plénipotentiaire du Japon
en République populaire de Chine

* Not printed.

* Non publiée.