

# Australian Treaty Series 1988 No 22

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

CANBERRA

Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds and their Environment

(Canberra, 20 October 1986)

Entry into force: 1 September 1988

AUSTRALIAN TREATY SERIES

1988 No. 22

Australian Government Publishing Service

Canberra

(c) Commonwealth of Australia 1995

---

## AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE PROTECTION OF MIGRATORY BIRDS AND THEIR ENVIRONMENT

**THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA** (hereinafter referred to as the Contracting Parties):

**CONSIDERING** that birds constitute an important element in the natural environment and are also important natural resources of great value in carrying on scientific, cultural, artistic, recreational and economic activities;

**RECOGNISING** the existence of special international concern for the protection of migratory birds;

**NOTING** the existence of bilateral and multilateral agreements for the protection of migratory birds;

**CONSIDERING** that many species of birds that are known to be migratory occur in Australia and in the People's Republic of China;

**DESIRING** to co-operate in the protection of migratory birds and their environment;

**HAVE REACHED THE FOLLOWING AGREEMENT** as a result of friendly discussions:

Article I

1. In this Agreement, the term "migratory birds" means:

(a) Birds for which there is reliable evidence of migration between the two countries from the recovery of bands or other markers; and

(b) Birds which are jointly determined by the competent authorities of the Contracting Parties to migrate between the two countries on the basis of published reports, photographs and other information.

However, migratory birds known to have been introduced by man to either country shall be excluded.

2. (a) The species recognised as migratory birds in accordance with paragraph 1 of this Article are listed in the Annex to this Agreement.

(b) The competent authorities of the Contracting Parties shall, from time to time, review the Annex. If they consider it necessary, the Contracting Parties may amend it by mutual arrangement.

(c) The Annex shall be considered amended ninety days after the date upon which each Party informs the other in a diplomatic note that it accepts the amendments.

## Article II

1. Each Contracting Party shall prohibit the taking of migratory birds and their eggs. However, exceptions to that prohibition may be permitted in accordance with the laws and regulations in force in each country in the following cases:

(a) for scientific, educational, propagative or other specific purposes not inconsistent with the objectives of this Agreement;

(b) for the purpose of protecting persons or property;

(c) during hunting seasons established in accordance with paragraph 3 of this Article; and

(d) to allow the hunting and gathering of specified migratory birds or their eggs by the inhabitants of specified regions who have traditionally carried on such activities for their own food, clothing or cultural purposes, provided that the population of each species is maintained in optimum numbers and that adequate preservation of the species is not prejudiced.

2. Each Contracting Party shall prohibit any sale, purchase or exchange of migratory birds or their eggs, whether they are alive or dead, or of the products thereof or their parts, except those taken in accordance with paragraph 1 of this Article.

3. Each Contracting Party may establish seasons for hunting migratory birds taking into account the maintenance of annual reproduction required for the survival of those birds.

## Article III

1. Each Contracting Party shall encourage exchanges of data and publications regarding research on migratory birds.
2. The Contracting Parties shall encourage the formulation of joint research programs on migratory birds.
3. Each Contracting Party shall encourage the conservation of migratory birds, especially those species in danger of extinction.

#### Article IV

Each Contracting Party shall endeavour, in accordance with its laws and regulations in force, to:

- (a) establish sanctuaries and other facilities for the management and protection of migratory birds and also of their environment; and
- (b) take appropriate measures to preserve and enhance the environment of migratory birds. In particular, each Contracting Party shall:
  - (i) seek means to prevent damage to migratory birds and their environment, and
  - (ii) endeavour to take such measures as may be necessary to restrict or prevent the importation and introduction of animals and plants which are hazardous to the preservation of migratory birds and their environment.

#### Article V

Upon the request of either of the Contracting Parties, the Contracting Parties shall hold consultations regarding the operation of this Agreement.

#### Article VI

1. This Agreement shall enter into force on the day upon which both Contracting Parties have notified each other that their respective constitutional and other requirements necessary to give effect to this Agreement have been complied with.<sup>[1]</sup> It shall remain in force for fifteen years and shall continue in force thereafter until terminated in accordance with the provisions in paragraph 2 of this Article.

2. Either Contracting Party may, by giving one year's notice in writing, terminate this Agreement at the end of the initial fifteen year period or at any time thereafter.

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

Done in duplicate, at Canberra, on twenty October, 1986 in the English and Chinese languages, both texts being equally authentic.

FOR THE GOVERNMENT OF FOR THE GOVERNMENT OF THE

AUSTRALIA: PEOPLE'S REPUBLIC OF CHINA:

[Signed:] [Signed:]

S RYAN DONG ZHIYONG

---

## ANNEX

1. Streaked Shearwater *Puffinus leucomelas*  
(*Calonectris leucomelas*)
2. Sooty Shearwater *Puffinus griseus*
3. Leach's Storm-Petrel *Oceanodroma leucorhoa*
4. White-tailed Tropicbird *Phaethon lepturus*
5. Red-footed Booby *Sula sula*
6. Brown Booby *Sula leucogaster*
7. Great Frigatebird *Fregata minor*
8. Andrew's Frigatebird *Fregata andrewsi*
9. Least Frigatebird *Fregata ariel*
10. Cattle Egret *Bubulcus ibis*  
(*Ardeola ibis*)
11. Great Egret *Egretta alba*
12. Eastern Reef Egret *Egretta sacra*
13. Yellow Bittern *Ixobrychus sinensis*
14. Glossy Ibis *Plegadis falcinellus*
15. Garganey *Anas querquedula*
16. Northern Shoveler *Anas clypeata*
17. White-bellied Sea-Eagle *Haliaeetus leucogaster*
18. Sarus Crane *Grus antigone*

19. Red-legged Crake *Rallina fasciata*
20. Corncrake *Crex crex*
21. Pheasant-tailed Jacana *Hydrophasianus chirurgus*
22. Painted Snipe *Rostratula benghalensis*
23. Grey Plover *Pluvialis squatarola*
24. Lesser Golden Plover *Pluvialis dominica*
25. Ringed Plover *Charadrius hiaticula*
26. Little Ringed Plover *Charadrius dubius*
27. Mongolian Plover *Charadrius mongolus*
28. Large Sand-Plover *Charadrius leschenaultii*
29. Caspian Plover *Charadrius asiaticus*
30. Little Curlew *Numenius borealis*  
(*Numenius minutus*)
31. Whimbrel *Numenius phaeopus*
32. Eurasian Curlew *Numenius arquata*
33. Eastern Curlew *Numenius madagascariensis*
34. Black-tailed Godwit *Limosa limosa*
35. Bar-tailed Godwit *Limosa lapponica*
36. Redshank *Tringa totanus*
37. Marsh Sandpiper *Tringa stagnatilis*
38. Greenshank *Tringa nebularia*
39. Wood Sandpiper *Tringa glareola*
40. Common Sandpiper *Tringa hypoleucos*
41. Grey-tailed Tattler *Tringa incana*  
(*Tringa brevipes*)

42. Terek Sandpiper *Xenus cinereus*  
(*Tringa terek*)
43. Ruddy Turnstone *Arenaria interpres*
44. Asian Dowitcher *Limnodromus semipalmatus*
45. Latham's Snipe *Capella hardwickii*  
(*Gallinago hardwickii*)
46. Pin-tailed Snipe *Capella stenura*  
(*Gallinago stenura*)
47. Swinhoe's Snipe *Capella megala*  
(*Gallinago megala*)
48. Red Knot *Calidris canutus*
49. Great Knot *Calidris tenuirostris*
50. Red-necked Stint *Calidris ruficollis*
51. Long-toed Stint *Calidris subminuta*
52. Sharp-tailed Sandpiper *Calidris acuminata*
53. Dunlin *Calidris alpina*
54. Curlew Sandpiper *Calidris ferruginea*
55. Sanderling *Crocethia alba*  
(*Calidris alba*)
56. Broad-billed Sandpiper *Limicola falcinellus*
57. Ruff *Philomachus pugnax*
58. Red-necked Phalarope *Phalaropus lobatus*
59. Grey Phalarope *Phalaropus fulicarius*
60. Oriental Pratincole *Glareola maldivarum*
61. Pomarine Jaeger *Stercorarius pomarinus*

62. White-winged Tern *Chlidonias leucoptera*
63. Black Tern *Chlidonias niger*
64. Caspian Tern *Hydropogne tschegrava*  
(*Hydroprogne caspia*)
65. Common Tern *Sterna hirundo*
66. Black-naped Tern *Sterna sumatrana*
67. Bridled Tern *Sterna anaethetus*
68. Little Tern *Sterna albifrons*
69. Lesser Crested Tern *Thalasseus bengalensis*  
(*Sterna bengalensis*)
70. Common Noddy *Anous stolidus*
71. Oriental Cuckoo *Cuculus saturatus*
72. White-throated Needletail *Hirundapus caudacutus*
73. Fork-tailed Swift *Apus pacificus*
74. Barn Swallow *Hirundo rustica*
75. Greater Striated Swallow *Hirundo striolata*
76. Yellow Wagtail *Motacilla flava*
77. Yellow-headed Wagtail *Motacilla citreola*
78. Grey Wagtail *Motacilla cinerea*
79. White Wagtail *Motacilla alba*
80. Great Reed-Warbler *Acrocephalus arundinaceus*
81. Arctic Willow Warbler *Phylloscopus borealis*