

Australian Treaty Series 1981 No 6

DEPARTMENT OF FOREIGN AFFAIRS

CANBERRA

**Agreement between the Government of Australia and the Government of Japan for the
Protection of Migratory Birds in Danger of Extinction and their Environment**

(Tokyo, 6 February 1974)

Entry into force: 30 April 1981

AUSTRALIAN TREATY SERIES

1981 No. 6

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Canberra

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AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF JAPAN FOR THE PROTECTION OF MIGRATORY BIRDS AND BIRDS IN DANGER OF EXTINCTION AND THEIR ENVIRONMENT

THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF JAPAN,

CONSIDERING that birds constitute an important element in the natural environment and play an essential role in enriching the natural environment and that this role may be enhanced by proper management thereof,

RECOGNISING the special international concern, as expressed, for example, at the United Nations Conference on the Human Environment, for the protection of migratory birds and birds in danger of extinction,

NOTING the existence of bilateral and multilateral agreements for the protection of migratory birds and birds in danger of extinction,

CONSIDERING that many species of birds migrate between Australia and Japan and live seasonally in respective countries and that there are certain species of birds which are in danger of extinction and also that co-operation between the two Governments is essential for the conservation of these birds, and

DESIRING to co-operate in taking measures for the management and protection of migratory birds and birds in danger of extinction and also for the management and protection of their environments,

HAVE AGREED as follows:

Article I

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

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

(b) the species of birds with subspecies common to both countries or, in the absence of subspecies, the species of birds common to both countries (excepting those whose non-migratory nature is biologically evident). The identification of these species and subspecies shall be based upon specimens, photographs or other reliable evidence.

2. (a) The list of the species defined as migratory birds in accordance with paragraph 1 of this Article is contained in the Annex to this Agreement.

(b) The competent authorities of the two Governments shall review from time to time the Annex and, if necessary, make recommendations to their respective Governments to amend it.

(c) The Annex shall be considered amended three months after the date upon which the two Governments confirm, by an exchange of diplomatic notes, their respective acceptance of such recommendations.

Article II

1. Each Government shall prohibit the taking of migratory birds or their eggs. However, exceptions to the prohibition of taking 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 and property;

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

(d) to allow the hunting and gathering of specified birds or their eggs by the inhabitants of certain 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 Government shall prohibit any sale, purchase or exchange of migratory birds or their eggs, whether they are alive or dead, except those taken in accordance with the second sentence of paragraph 1 of this Article, or of the products thereof or their parts.

3. Each Government may establish seasons for hunting migratory birds taking into account the maintenance of normal annual reproduction of those birds.

Article III

1. Each Government shall take special protective measures, as appropriate, for the preservation of species or subspecies of birds which are in danger of extinction.
2. Whenever either Government has determined the species or subspecies of birds which are in danger of extinction and taken special protective measures therefor, the Government shall inform the other Government of such determination and of any cancellation thereafter of such determination.
3. Each Government shall control the exportation or importation of such species or subspecies of birds as are determined in accordance with paragraph 2 of this Article, and of the products thereof.

Article IV

1. The two Governments shall exchange data and publications regarding research on migratory birds and birds in danger of extinction.
2. Each Governments shall encourage the formulation of joint research programs on migratory birds and birds in danger of extinction.
3. Each Government shall encourage the conservation of migratory birds and birds in danger of extinction.

Article V

Each Government shall endeavour to establish sanctuaries and other facilities for the management and protection of migratory birds and birds in danger of extinction and also of their environment.

Article VI

Each Government shall endeavour to take appropriate measures to preserve and enhance the environment of birds protected under the provisions of this Agreement. In particular, it shall:

- (a) seek means to prevent damage to such birds and their environment;
- (b) endeavour to take such measures as may be necessary to control the importation of animals and plants which it determines to be hazardous to the preservation of such birds; and
- (c) endeavour to take such measures as may be necessary to control the introduction of animals and plants which could disturb the ecosystems of unique island environments.

Article VII

Each Government agrees to take measures necessary to carry out the purposes of this Agreement.

Article VIII

Upon the request of either Government, the two Governments shall hold consultations regarding the operation of this Agreement.

Article IX

1. This Agreement shall be ratified and the instruments of ratification shall be exchanged at Canberra as soon as possible.[\[1\]](#)
2. This Agreement shall enter into force on the date of the exchange of the instruments of ratification. It shall remain in force for fifteen years and shall continue in force thereafter until terminated as provided herein.
3. Either Government 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 authorised by their respective Governments, have signed this Agreement.

DONE in duplicate, in the English and Japanese languages, each text being equally authentic, at Tokyo, this sixth day of February, one thousand nine hundred and seventy-four.

FOR THE GOVERNMENT OF FOR THE GOVERNMENT OF

AUSTRALIA: JAPAN:

[Signed:] [Signed:]

D J HORNE MASAYOSHI OHIRA

ANNEX

COMMON NAME SCIENTIFIC NAME

- 1 Streaked Shearwater *Calonectris leucomelas*
- 2 Wedge-tailed Shearwater *Puffinus pacificus*
- 3 Fleshy-footed Shearwater *Puffinus carneipes*
- 4 Sooty Shearwater *Puffinus griseus*
- 5 Short-tailed Shearwater *Puffinus tenuirostris*
- 6 Wilson's Storm-petrel *Oceanites oceanicus*
- 7 Leach's Storm-petrel *Oceanodroma leucorhoa*
- 8 White-tailed Tropic-bird *Phaethon lepturus*

- 9 Brown Booby *Sula leucogaster*
- 10 Masked Booby *Sula dactylatra*
- 11 Red-footed Booby *Sula sula*
- 12 Greater Frigate-bird *Fregata minor*
- 13 Lesser Frigate-bird *Fregata ariel*
- 14 Cattle Egret *Bubulcus ibis*
- 15 White Egret *Egretta alba*
- 16 Garganey Teal *Anas querquedula*
- 17 Ringed Plover *Charadrius hiaticula*
- 18 Mongolian Sand-dotterel *Charadrius mongolus*
- 19 Large Sand-dotterel *Charadrius leschenaultii*
- 20 Oriental Dotterel *Charadrius asiaticus*
- 21 Eastern Golden Plover *Pluvialis dominica*
- 22 Grey Plover *Pluvialis squatarola*
- 23 Turnstone *Arenaria interpres*
- 24 Red-necked Stint *Calidris ruficollis*
- 25 Long-toed Stint *Calidris minutilla* (including *Calidris subminuta*)
- 26 Baird's Sandpiper *Calidris bairdii*
- 27 Pectoral Sandpiper *Calidris melanotos*
- 28 Sharp-tailed Sandpiper *Calidris acuminata*
- 29 Curlew Sandpiper *Calidris ferruginea*
- 30 Knot *Calidris canutus*
- 31 Great Knot *Calidris tenuirostris*
- 32 Sanderling *Crocethia alba*
- 33 Ruff (Reeve) *Philomachus pugnax*

- 34 Buff-breasted Sandpiper *Tryngites subruficollis*
- 35 Broad-billed Sandpiper *Limicola falcinellus*
- 36 Little Greenshank *Tringa stagnatilis*
- 37 Greenshank *Tringa nebularia*
- 38 Wood Sandpiper *Tringa glareola*
- 39 Grey-tailed Tattler *Tringa brevipes*
- 40 Wandering Tattler *Tringa incana*
- 41 Common Sandpiper *Tringa hypoleucos*
- 42 Terek Sandpiper *Xenus cinereus*
- 43 Black-tailed Godwit *Limosa limosa*
- 44 Bar-tailed Godwit *Limosa lapponica*
- 45 Eastern Curlew *Numenius madagascariensis*
- 46 Whimbrel *Numenius phaeopus*
- 47 Little Whimbrel *Numenius minutus*
- 48 Pin-tailed Snipe *Gallinago megala*
- 49 Japanese Snipe *Gallinago hardwickii*
- 50 Red-necked Phalarope *Phalaropus lobatus*
- 51 Oriental Pratincole *Glareola pratincola*
- 52 South-polar Skua *Stercorarius skua*
- 53 Pomarine Skua *Stercorarius pomarinus*
- 54 Arctic Skua *Stercorarius parasiticus*
- 55 White-winged Black Tern *Chlidonias leucoptera*
- 56 Crested Tern *Sterna bergii*
- 57 Asiatic Common Tern *Sterna hirundo*
- 58 Black-naped Tern *Sterna sumatrana*

- 59 Bridled Tern *Sterna anaethetus*
- 60 Little Tern *Sterna albifrons*
- 61 Noddy *Anous stolidus*
- 62 Oriental Cuckoo *Cuculus saturatus*
- 63 Spine-tailed Swift *Chaetura caudacuta*
- 64 Fork-tailed Swift *Apus pacificus*
- 65 Barn Swallow *Hirundo rustica*
- 66 Yellow Wagtail *Motacilla flava*

[Note from the Department of Foreign Affairs to the Embassy of Japan, Canberra]

I

CH103523

The Department of Foreign Affairs presents its compliments to the Embassy of Japan and has the honour to refer to the Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment which was signed at Tokyo on 6 February 1974.

In accordance with Article III(2) the Department wishes to inform the Embassy that the Government of Australia has determined that the species or subspecies of birds in the attached list are birds in danger of extinction.

The Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of Japan the assurances of its highest consideration.

CANBERRA

30 April 1981

OFFICIAL LIST OF AUSTRALIAN ENDANGERED BIRDS

(Dates shown in parenthesis represent the date of the last authentic record for a taxon)

	SCIENTIFIC NAMES	COMMON NAMES
Procellariiformes		

Procellariidae	<i>Pterodroma leucoptera leucoptera</i>	Goulds Petrel
	<i>Pterodroma solandri</i>	Providence Petrel
	<i>Puffinus carneipes hullianus</i>	Lord How Island Fleshy-footed Shearwater
Pelecaniformes		
Sulidae	<i>Sula abbotti</i>	Abbott's Booby
Fregatidae	<i>Fregata andrewsi</i>	Christmas Island Frigatebird
Falconiformes		
Accipitridae	<i>Accipiter radiatus</i>	Red Goshawk
Gruiformes		
Pedionomidae	<i>Pedionomus torquatus</i>	Plains Wanderer
Rallidae	<i>Tricholimnas sylvestris</i>	Lord Howe Island Woodhen
Charadriiformes		
Laridae	<i>Anous tenuirostris</i>	Lesser Noddy
Psittaciformes		
Psittacidae	<i>Cyanoramphus novaezelandiae cookii</i>	Norfolk Island Parrot
	<i>Cyclopsitta diophthalma coxeni</i>	Coxens fig parrot
	<i>Geopsittacus occidentalis</i>	Night Parrot
	<i>Neophema chrysogaster</i>	Orange-bellied Parrot
	<i>Pezoporus wallicus</i>	Ground Parrot
	<i>Polytelis alexandrae</i>	Princess Parrot
	<i>Psephotus chrysopterygius</i>	Golden-shouldered Parrot

	<i>Psephotus dissimilis</i>	Hooded Parrot
	<i>Psephotus pulcherrimus</i>	Paradise Parrot
	(1922)	
Stringiformes		
Strigidae	<i>Ninox novaeseelandiae royana</i>	Norfolk Island Boobook Owl
	<i>Ninox squamipila natalis</i>	Christmas Island Owl
Caprimulgiformes		
Caprimulgidae	<i>Podargus ocellatus plumiferus</i>	Plumed Frogmouth
Passeriformes		
Atrichornithidae	<i>Atrichornis clamosus</i>	Noisy Scrub Bird
Maluridae	<i>Malurus coronatus</i>	Purple-crowned Wren
	<i>Amytornis dorotheae</i>	Dorothys Grass-wren
	<i>Amytornis textilis textilis</i>	Thick-billed Grass-wren
Acanthizidae	<i>Dasyornis longirostris</i>	Western Bristlebird
	<i>Dasyornis broadbenti littoralis</i> (1940)	Rufous Bristlebird
Cracticidae	<i>Strepera graculina crissalis</i>	Lord Howe Island Currawong
Timaliidae	<i>Psophodes nigrogularis</i>	Western Whipbird
Pardalotidae	<i>Pardalotus quadragintus</i>	Forty-spotted Pardalote
Zosteropidae	<i>Zosterops albogularis</i>	Norfolk Island Silvereye
Meliphagidae	<i>Lichenostomus melanops cassidix</i>	Helmeted Honeyeater

	<i>Manorina melanotis</i>	Black-eared Miner
Turdidae	<i>Drymodes superciliaris colcloughi</i> (1915)	Northern Scrub Robin

[Note from the Embassy of Japan, Canberra, to the Department of Foreign Affairs]

II

Embassy of Japan

112 Empire Circuit

Yarralumla ACT 2600

No. 81-024

NOTE VERBALE

The Embassy of Japan presents its compliments to the Department of Foreign Affairs and has the honour to acknowledge the receipt of the latter's Note Verbale No. CH103523 dated 30 April 1981, informing the Embassy that the Government of Australia has determined the species or subspecies of birds in danger of extinction in accordance with the provisions of Article III(2) of the Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment.

The Embassy has further the honour to inform the Department that the Government of Japan has also determined the species or subspecies of birds in danger of extinction as listed in the enclosure, in accordance with the relevant provisions of the above-mentioned Agreement.

The Embassy of Japan avails itself of this opportunity to renew to the Department of Foreign Affairs the assurances of its highest consideration.

Canberra

30 April 1981

LIST OF ENDANGERED SPECIES OF BIRDS IN JAPAN

COMMON NAMES SCIENTIFIC NAMES

Short-tailed Albatross *Diomedea albatrus*

Oriental White Stork *Ciconia ciconia boyciana*

Japanese Crested Ibis *Nipponia nippon*

Aleutian Canada Goose *Branta canadensis leucopareia*

Bonin Buzzard *Buteo buteo toyoshimai*

Japanese Golden Eagle *Aquila chrysaetos japonica*

Ryukyu Serpent Eagle *Spilornis cheela perplexus*

Volcano Islands Peregrine Falcon *Falco peregrinus fruitii*

Japanese Ptarmigan *Logopus mutus japonicus*

Japanese Crane *Grus japonensis*

Nordmann's Greenshank *Tringa guttifer*

Stejneger's Wood Pigeon *Columba janthina stejnegeri*

Red-headed Wood Pigeon *Columba janthina nitens*

Blakiston's Fish-owl *Ketupa blakistoni blakistoni*

Pryer's Woodpecker or Okinawa Woodpecker *Sapheopipo noguchi*

Owston's White-backed Woodpecker *Dendrocopos leucotos owstoni*

Inoue's Three-toed Woodpecker *Picoides tridactylus inouyei*

Lesser Chinese Bulbul *Pycnonotus sinensis orii*

Borodino Wren *Troglodytes troglodytes orii*

Ryukyu Robin *Erithacus komadori komadori*

Stejneger's Ryukyu Robin *Erithacus komadori namiyei*

Yaeyama Ryukyu Robin *Erithacus komadori subrufa*

Amami Ground Thrush *Turdus dauma amami*

Torishima Bushwarbler *Cettia diphone panafidinicus*

Japanese Swampwarbler *Megalurus pryeri pryeri*

Hahajima Honeyeater *Apalopteron familiare hahasima*

Bonin Islands Japanese Greenfinch *Carduelis sinica kittlitzi*

Lidth's Jay *Garrulus lidthi*