

Convention between the United States of America and Mexico for the protection of migratory birds and game mammals. Signed at Mexico City, February 7, 1936; ratification advised by the Senate, April 30, 1936; ratified by the President, October 8, 1936; ratified by Mexico, February 12, 1937; ratifications exchanged at Washington, March 15, 1937; proclaimed, March 15, 1937.

February 7, 1936
[T. S. No. 912]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a convention between the United States of America and the United Mexican States providing for the protection of migratory birds and game mammals was concluded and signed by their respective plenipotentiaries at the city of Mexico on the seventh day of February, one thousand nine hundred and thirty-six, the original of which convention, being in the English and Spanish languages, is word for word as follows:

Migratory birds and
game mammals in
United States and
Mexico.
Preamble.

CONVENTION BETWEEN THE
UNITED STATES OF AMERICA
AND THE UNITED MEXICAN
STATES FOR THE PROTECTION
OF MIGRATORY BIRDS AND
GAME MAMMALS.

CONVENIO ENTRE LOS ESTADOS
UNIDOS DE NORTEAMERICA Y
LOS ESTADOS UNIDOS MEXI-
CANOS PARA LA PROTECCION
DE AVES MIGRATORIAS Y DE
MAMIFEROS CINEGETICOS.

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

Considerando que algunas de las aves llamadas migratorias en sus viajes cruzan los Estados Unidos de Norteamérica y los Estados Unidos Mexicanos, en cuyos países temporalmente habitan;

Considerando que es justo y conveniente proteger dichas aves migratorias, cualquiera que sea su origen, en los Estados Unidos de Norteamérica y en los Estados Unidos Mexicanos para que no se extingan sus especies;

Considerando que para el fin indicado es necesario emplear métodos adecuados que permitan utilizar racionalmente las aves migratorias tanto en el deporte cuanto para la alimentación, el comercio y la industria;

Los Gobiernos de ambos países han convenido en formalizar una Convención que satisfaga la necesidad apuntada y para el efecto han nombrado sus respectivos Plenipotenciarios:

El señor Josephus Daniels, representando al Presidente de los

Plenipotentiaries.

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.

Purpose declared.

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.

Laws and other provisions.

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

Close seasons.

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.

Refuge zones.

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

Hunting season limitation.

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.

Estados Unidos Norteamericanos, Franklin D. Roosevelt, y el señor Eduardo Hay, representando al Presidente de los Estados Unidos Mexicanos, General de División Lázaro Cárdenas, quienes exhibieron a satisfacción sus respectivos Plenos Poderes, formalizan la siguiente Convención:

ARTÍCULO I

Las Altas Partes Contratantes declaran que es justo y conveniente proteger las aves llamadas migratorias, cualquiera que sea su origen, que en sus viajes habiten temporalmente en los Estados Unidos de Norteamérica y en los Estados Unidos Mexicanos, por medio de procedimientos adecuados, hasta donde las Altas Partes Contratantes determinen, que permitan utilizar dichas aves racionalmente, con fines deportistas, de alimentación, de comercio y de industria, a fin de que sus especies no se extingan.

ARTÍCULO II

Las Altas Partes Contratantes convienen en dictar las Leyes, Reglamentos y Disposiciones conducentes para satisfacer la necesidad indicada en el artículo precedente, incluyendo:

A) - La fijación de vedas, que prohiban en determinada época del año la captura de las aves migratorias y sus nidos y huevos, así como que se pongan en circulación o venta vivas o muertas, sus productos y despojos, excepción hecha de cuando procedan de reservas o criaderos particulares y cuando se utilicen con fines científicos, de propagación y para museos, con la autorización correspondiente.

B) - La determinación de zonas de refugio en las que estará prohibida la captura de dichas aves.

C) - La limitación a cuatro meses como máximo en cada año el ejercicio de la caza, mediante permiso de las autoridades respectivas en cada caso.

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.

D)–La veda para patos del diez de marzo al primero de septiembre.

E)–La prohibición de matar aves migratorias insectívoras, con excepción de los casos en que perjudiquen la agricultura y constituyan plagas, así como también cuando procedan de reservas o criaderos; entendiéndose que dichas aves podrán capturarse y utilizarse vivas conforme a las leyes respectivas de cada país contratante.

F)–La prohibición de cazar a bordo de aeronaves.

Protection of wild ducks.

Insectivorous birds.

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.

ARTÍCULO III

Las Altas Partes Contratantes convienen, además, en no permitir que por la frontera norteamericana-mexicana sean transportadas aves migratorias vivas o muertas y sus productos y despojos, sin que lleven como guía la autorización que para el efecto expida el Gobierno de cada país, en la inteligencia de que en el caso de que sean transportadas dichas aves y sus productos y despojos de un país al otro sin la expresada autorización, se considerará ese hecho como contrabando para los efectos legales correspondientes.

ARTÍCULO IV

Las Altas Partes Contratantes declaran que para los efectos del presente convenio se considerarán aves migratorias las siguientes:

AVES MIGRATORIES DE CAZA.

Familia Anatidae.
Familia Gruidae.
Familia Rallidae.
Familia Charadriidae.
Familia Scolopacidae.
Familia Recurvirostridae.
Familia Phalaropodidae.
Familia Columbidae.

AVES MIGRATORIAS NO DE CAZA.

Familia Cuculidae.
Familia Caprimulgidae.

Transportation over border.

Permits.

Declaration of terms.

Migratory game birds.

Migratory non-game birds.

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 by common agreement.

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

ARTICLE V.

Stipulations applicable to game mammals.

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.

Ratification.

Duration.

Signatures.

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.

JOSEPHUS DANIELS

[SEAL]

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.

Las demás que el Presidente de los Estados Unidos de Norteamérica y el de los Estados Unidos Mexicanos determinen de común acuerdo.

ARTÍCULO V

Las Altas Partes Contratantes convienen en aplicar las estipulaciones contenidas en el artículo III respecto de los mamíferos cinegéticos que habitan en sus respectivos países.

ARTÍCULO VI

Esta Convención será ratificada por las Altas Partes Contratantes de acuerdo con sus procedimientos constitucionales y quedará en vigor durante 15 años, que se entenderán prorrogados por anualidades si las mismas Altas Partes Contratantes no manifiestan con doce meses de anticipación su deseo de darla por terminada.

Los Plenipotenciarios respectivos firman la presente Convención por duplicado en inglés y en español, poniendo en ella sus respectivos sellos, en la ciudad de México el día siete del mes de febrero de 1936.

EDUARDO HAY

[SEAL]

SECRETARIA DE RELACIONES EXTERIORES
ESTADOS UNIDOS MEXICANOS
MEXICO

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.¹

No. 1488

EMBASSY OF THE UNITED STATES OF AMERICA,
Mexico, February 11, 1936.

EXCELLENCY:

I have the honor to acknowledge with appreciation Your Excellency's courteous note No. 3, Ref. III/, of February 10, 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 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.

¹ Following is translation:

DEPARTMENT OF FOREIGN RELATIONS
UNITED MEXICAN STATES
MEXICO CITY

MEXICO CITY, February 10, 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.*

Ratifications exchanged.

AND WHEREAS the said convention has been duly ratified on both parts and the ratifications of the two Governments were exchanged in the city of Washington on the fifteenth day of March, one thousand nine hundred and thirty-seven, on which day the convention entered into force in accordance with an understanding reached by an exchange of notes signed on February 10 and February 11, 1936, by the Minister for Foreign Affairs of the United Mexican States and the Chargé d'Affaires of the United States of America at the city of Mexico.

Proclamation.

NOW, THEREFORE, be it known that I, Franklin D. Roosevelt, President of the United States of America, have caused the said convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of March, in the year of our Lord one thousand nine hundred and
[SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.