

Protocol on Cooperation and exchanges in the Field of Conservation of Nature Between the Department of the Interior of the United States of American and the Ministry of Forestry of the People's Republic of China

The Department of the Interior of the United States of America and the Ministry of Forestry of the People's Republic of China (hereinafter referred to as the Parties), for the purpose of promoting cooperation and exchanges in the field of wildlife conservation and protected natural areas managed by the Parties under the Agreement between the Government of the United States of America and the Government of the People's Republic of China on Cooperation in Science and Technology signed at Washington on January 31, 1979, and extended on January 12, 1984, agree as follows:

Article 1

The Parties agree to carry out cooperation and exchanges under this Protocol on the basis of equality, reciprocity and mutual benefit.

Article 2

The Parties confirm that the areas of cooperation and exchanges under this Protocol may include:

1. Establishment and management of protected natural areas.
2. Conservation, propagation, research and rational use of wild flora and fauna, as well as the management of wildlife habitats.
3. Migratory bird banding.
4. Regulation of import and export of threatened and endangered species of wild flora and fauna.
5. Other cooperative research activities as may be mutually agreed.

Article 3

The Parties agree that cooperation and exchanges under this Protocol may take the following forms:

1. Exchanges of scientific and technical materials, publications and other documentation on nature conservation.
2. Exchanges of wild animals and plants for scientific research and for re-introduction.

3. Exchanges of delegations, study teams, specialists and trainees between both countries, as well as organization and implementation of symposia, joint research, and professional courses.

4. Other forms of cooperative research as may be mutually agreed.

Article 4

All cooperation and exchanges under this Protocol shall be subject to the laws and regulations of the respective countries.

Article 5

The Parties respectively will designate coordinators from the Department of Foreign Affairs of the Ministry of Forestry of the P.R.C. and the U.S. Fish and Wildlife Service/National Park Service of the Department of the Interior of the U.S.A. as their Executive Agents to administer activities conducted under this Protocol. The Parties will coordinate the participation of other organizations and individuals in both countries in the cooperation and exchanges set forth in Articles 2 and 3 of this Protocol.

Article 6

The Executive Agencies of both Parties will discuss and decide the programs of cooperation and exchange, number of persons, duration and dates of implementation and other related matters through correspondence. If necessary, meetings can be held as mutually agreed upon to consult upon matters related to the implementation of this Protocol.

Article 7

On the basis of mutual benefit, each party will provide the other with the materials, publications, literature, wild animals and plants as set forth in Article 3 of this Protocol. Each Party will send delegations, study teams and individuals to the other country, for whom the sending side will pay the cost of international travel and the receiving side will cover in-country expenses. The number of participants and the duration of their stay (i.e., in man-months) should come out approximately equivalent in the long run. Under special circumstances, the Parties may agree on other arrangements.

Article 8

The specific cooperation and exchanges as mutually agreed and the plans under which they will be conducted shall be embodied in Annexes to this Protocol. New cooperative programs will be confirmed by correspondence between the representatives of the Parties, and such new agreements shall be attached as annexes to this Protocol. In the case of any inconsistency between the terms of an annex and the terms of this Protocol, the terms of

this Protocol shall be controlling.

Article 9

Scientific and technological information transmitted by one Party to the other Party under Article 3 of this Protocol will be accurate to the best of the knowledge and belief of the transmitting Party, but the transmitting Party does not warrant the suitability of the scientific and technological information transmitted for use or application by the receiving Party or any third party.

Article 10

The Parties agree that, in the event equipment is exchanged or supplied by one Party to the other Party under this Protocol for use in cooperative activities, they shall enter into specific understandings on a case-by-case basis.

Article 11

All activities carried out under this Protocol shall be conducted under the guidance of the U.S.-P.R.C. Commission on Scientific and Technological Cooperation established by Article 10 of the Agreement on Cooperation in Science and Technology between the two Governments. All cooperative activities under this Protocol shall be subject to the availability of funds and personnel.

Article 12

The Parties have reached an accord concerning the protection of copyrights and confidential information and the treatment of inventions or discoveries made or conceived under this Protocol in order to undertake specific activities. This accord is contained in Annex I attached hereto, which forms an integral part of this Protocol.

Article 13

This Protocol will enter into force upon signature by both Parties and remain in force for a period of five years.

This Protocol may be terminated at any time at the discretion of either Party as long as six months' advance notification is provided in writing by the Party seeking to terminate the Protocol. The Protocol may also be extended by written agreement.

Article 14

This Protocol may be amended as necessary by written agreement of the Parties. Amendments will enter into force immediately upon signature by both Parties and form an integral part of this Protocol.

Done at Washington on the 19th day of November 1986, in duplicate in the English and Chinese languages, both texts being equally authentic.

FOR THE DEPARTMENT OF THE INTERIOR FOR THE MINISTRY OF
FORESTRY OF THE UNITED STATES OF AMERICA OF THE PEOPLE'S
REPUBLIC OF CHINA

(signed) Ann McLaughlin, Under Secretary

(signed) Liu Guangyun, Vice Minister