

Agreement Between The Government Of The United States Of America And The Government Of The Russian Federation On The Conservation And Management Of The Alaska-Chukotka Polar Bear Population

The Government of the United States of America and the Government of the Russian Federation, (hereinafter referred to as the "Contracting Parties");

DESIRING to further the goals of the 1973 Agreement on the Conservation of Polar Bears (hereinafter referred to as the "1973 Agreement");

AFFIRMING that the United States and the Russian Federation have a mutual interest in and responsibility for the conservation of the Alaska-Chukotka polar bear population;

ACKNOWLEDGING the vital interest of the Autonomous Region of Chukotka and the State of Alaska in the conservation and management of the Alaska-Chukotka population of polar bears;

RECOGNIZING that reliable biological information, including scientific data and traditional knowledge of native people, serves as the basis for development of an effective strategy for the conservation and management of this population;

RECOGNIZING that polar bears represent a valuable subsistence harvest species for the native people of Alaska and Chukotka;

AFFIRMING the authorization of the native people of Alaska and Chukotka, in accordance with each Contracting Party's domestic laws, to hunt polar bears to satisfy their traditional subsistence needs, and to manufacture and sell handicrafts and clothing;

DESIRING to meet the subsistence needs of native people while affording further protection to polar bears;

RECOGNIZING that illegal taking, habitat loss or degradation, pollution, and other human-caused threats could compromise the continued viability of the Alaska-Chukotka polar bear population;

RECOGNIZING the important ecological role and aesthetic value of the polar bear and the need to maintain broad public support for the conservation of polar bears;

AFFIRMING the essential role of the native people of Alaska and Chukotka in the conservation of the Alaska-Chukotka population of polar bears, welcoming the steps taken by those people with the goal of cooperation in the conservation and management of this population, and desiring to ensure their full involvement in the implementation and enforcement of this Agreement.

HAVE AGREED AS FOLLOWS:

ARTICLE I

In this Agreement the following definitions shall apply:

(a) "sustainable harvest level" means a harvest level which does not exceed net annual recruitment to the population and maintains the population at or near its current level, taking into account all forms of removal, and considers the status and trend of the population, based on reliable scientific information.

(b) "taking" means hunting, killing or capturing.

(c) "native people" means the native residents of Alaska and Chukotka as represented by the Alaska Nanuuq Commission and the corresponding Union of Marine Mammal Hunters, or their successor organizations recognized as such by the Contracting Parties.

ARTICLE II

The Contracting Parties shall cooperate with the goal of ensuring the conservation of the Alaska-Chukotka polar bear population, the conservation of its habitat, and the regulation of its use for subsistence purposes by native people.

ARTICLE III

This Agreement applies to the waters and adjacent coastal areas subject to the national jurisdiction of the Contracting Parties in that area of the Chukchi, East Siberian and Bering Seas bounded on the west by a line extending north from the mouth of the Kolyma River; on the east by a line extending north from Point Barrow; and on the south by a line describing the southernmost annual formation of drift ice. The Contracting Parties may, by mutual agreement, modify the area to which the Agreement applies.

ARTICLE IV

The Contracting Parties shall undertake all efforts necessary to conserve polar bear habitats, with particular attention to denning areas and areas of concentration of polar bears during feeding and migration. To this end, they shall take steps necessary to prevent loss or degradation of such habitats that results in, or is likely to result in, mortality to polar bears or reduced productivity or long-term decline in the Alaska-Chukotka polar bear population.

ARTICLE V

Any taking of polar bears from the Alaska-Chukotka population inconsistent with the terms of this Agreement or the 1973 Agreement is prohibited.

ARTICLE VI

1. Native people may take polar bears of the Alaska-Chukotka population for subsistence purposes, provided that:

(a) the take is consistent with Article III(1)(d) of the 1973 Agreement;

(b) the taking of females with cubs, cubs less than one year of age, and bears in dens, including bears preparing to enter dens or who have just left dens, is prohibited;

(c) the use of aircraft, large motorized vessels and large motorized vehicles for the purpose of taking polar bears is prohibited; and

(d) the use of poisons, traps or snares for the purpose of taking polar bears is prohibited.

2. Consistent with the 1973 Agreement, polar bears from the Alaska-Chukotka population may be taken for the conduct of scientific research, for the purpose of rescuing or rehabilitating orphaned, sick, or injured animals, or when human life is threatened. Animals being maintained in captivity for purposes of rehabilitation or which are determined by either Contracting Party not to be releasable to the wild may be placed on public display.

ARTICLE VII

1. Nothing in this Agreement is intended to authorize the taking of polar bears for commercial purposes, or to limit the ability of native people, consistent with the domestic law of the Contracting Parties, to create, sell, and use traditional articles associated with native harvest of polar bears.

2. The Contracting Parties shall undertake, in accordance with domestic law, measures necessary for the prevention of illegal trade in polar bears, including their parts and derivatives.

ARTICLE VIII

1. To coordinate measures for the conservation and study of the Alaska-Chukotka population of polar bears, the Contracting Parties hereby establish the U.S.-Russia Polar Bear Commission, hereinafter referred to as "the Commission," to be composed of two national sections, a United States Section and a Russian Section.

2. Each national section shall consist of two members appointed by the respective Contracting Party in order to provide for inclusion in each section of a representative of its native people, in addition to a representative of the Contracting Party.

3. Each section shall have one vote in the Commission. A decision or recommendation of the Commission shall be made only with the approval of both sections.

4. The Contracting Parties shall be responsible for organizing and supporting the activities of their respective national sections as well as the joint activities of the Commission.

5. The Commission, at its first meeting, shall adopt rules of procedure, including provisions for accreditation of observers who can attend Commission meetings as representatives of interested organizations who can contribute to the Commission's work.

6. The Commission shall hold an annual meeting and may hold other meetings at the request of either Contracting Party, or on such a schedule as the Commission may determine. Annual meetings shall alternate between the United States and Russia.

7. The Commission shall carry out the following tasks:

(a) promoting cooperation between the Contracting Parties, between the native people, and between the Contracting Parties and the native people;

(b) determining on the basis of reliable scientific data, including traditional knowledge of the native people, the polar bear population's annual sustainable harvest level;

(c) determining the annual taking limits not to exceed the sustainable harvest level;

(d) adopting measures to restrict the take of polar bears for subsistence purposes by the native people within the framework of the established annual taking limits, including seasons and restrictions on sex and age additional to those in Article VI(1) of this Agreement;

(e) working to identify polar bear habitats and developing recommendations for habitat conservation measures;

(f) considering scientific research programs, including jointly conducted programs, for the study, conservation, and monitoring of polar bears, and preparing recommendations for implementing such programs, and determining criteria for reporting on and verification of polar bears taken;

(g) participating in the examination of disagreements between the native people of Alaska and Chukotka on questions regarding subsistence use of polar bears and their conservation and facilitating their resolution;

(h) issuing recommendations concerning the maintenance in captivity of orphaned and rehabilitated polar bears;

(i) examining information and scientific data about polar bears, including information on harvested polar bears and those taken in cases where human life is threatened;

(j) preparing and distributing conservation materials and reports of each Commission meeting; and

(k) performing such functions as are necessary and appropriate for the implementation of this Agreement.

8. The Commission shall establish a scientific working group and other working groups as it deems necessary to assist in carrying out its tasks.

9. The Commission shall bring to the attention of the competent authorities of the Contracting Parties and of native people its determinations with respect to the matters covered in this Article.

ARTICLE IX

Each Contracting Party shall have the right to harvest one-half of the annual taking limit of polar bears determined by the Commission. If a Contracting Party does not intend to harvest one-half of the annual taking limit it may, subject to the agreement of the Commission, transfer to the other Contracting Party part of its remaining share of the annual taking limit and shall so notify the other Contracting Party through diplomatic channels.

ARTICLE X

1. Each Contracting Party shall take such steps as are necessary to ensure implementation of this Agreement.

2. Each Contracting Party shall monitor the harvest of polar bears in those areas subject to its national jurisdiction.

3. Each Contracting Party shall report to the Commission annually on:

(a) steps taken in accordance with Paragraphs 1 and 2 above, including the adoption of laws and regulations, and measures to enforce them;

(b) steps taken to involve native people in the implementation and enforcement of this Agreement; and

(c) scientific data and information on the Alaska-Chukotka polar bear population, including harvest information provided by native people.

ARTICLE XI

Nothing in this Agreement shall be interpreted as limiting the right of each Contracting Party to take additional measures, including designation of specially protected natural areas, to protect polar bears in areas under its national jurisdiction.

ARTICLE XII

In the event of any disagreement with regard to the interpretation or application of the provisions of this Agreement, the Contracting Parties shall consult with a view to resolving the disagreement through negotiation. At the request of either Contracting Party, the Commission shall examine any point of disagreement. The recommendations of the Commission in such matters shall be presented to the Contracting Parties.

ARTICLE XIII

1. This Agreement shall enter into force 30 days after the date on which the Contracting Parties have exchanged written notification through diplomatic channels that they have completed their respective domestic legal procedures necessary to bring the Agreement into force, and shall remain in force unless terminated in accordance with paragraph 2 of this Article.

2. Either Contracting Party may terminate this Agreement upon written notification to the other through diplomatic channels. Any such notification shall be made not later than June 30 of any calendar year for termination to become effective on January 1 of the following year. Notifications made later than June 30 shall become effective on January 1 of the year after the following year.

DONE AT WASHINGTON, D.C. on October 16, 2000, in duplicate in the English and Russian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE FOR THE GOVERNMENT OF

UNITED STATES OF AMERICA: THE RUSSIAN FEDERATION: