



**CONVENTION ON
MIGRATORY
SPECIES**

Distribution: General

UNEP/CMS/COP12/Doc.21.1.29
22 May 2017

Original: English

12th MEETING OF THE CONFERENCE OF THE PARTIES
Manila, Philippines, 23 - 28 October 2017
Agenda Item 21.1.29

RESOLUTIONS TO REPEAL IN PART

**RESOLUTION 11.16, THE PREVENTION OF ILLEGAL KILLING, TAKING AND TRADE
OF MIGRATORY BIRDS**

(Prepared by the Secretariat on behalf of the Standing Committee)

Summary:

This document repeals in part [Resolution 11.16. The Prevention of Illegal Killing, Taking and Trade of Migratory Birds.](#)

This document should be read in conjunction with UNEP/CMS/COP12/Doc.24.1.1, which proposes revisions to the Resolution.

DRAFT RESOLUTION

RESOLUTION 11.16, THE PREVENTION OF ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS

NB: Proposed new text is underlined. Text to be deleted is ~~crossed-out~~.

Paragraph	Comments
<i>Recalling</i> Article III (5) of the Convention which provides for Parties that are Range States to prohibit the taking of species included in Appendix I, and Article V (5) (k) on Guidelines for AGREEMENTS which suggests, where appropriate and feasible, each Agreement should prepare for procedures for co-ordinating action to suppress illegal taking;	Retain
<i>Further recalling</i> that the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MoU), the Action Plan for the Conservation of African-Eurasian Migratory Landbirds (AEMLAP) as adopted through Resolution 11.17, and most other bird-related MoUs and action plans under CMS include measures related to the protection of birds;	Retain
<i>Acknowledging</i> the collaborative effort of the International Consortium on Combating Wildlife Crime working to bring coordinated support to national wildlife law enforcement agencies and regional networks, and the need to establish a coordination mechanism between the Consortium and CMS in relation to the mandates laid out in this Resolution on illegal killing, taking and trade of migratory birds;	Retain
<i>Noting</i> the Guidelines to Prevent Poisoning of Migratory Birds as adopted through Resolution 11.15, and the Action Plan for the Conservation of African-Eurasian Migratory Landbirds;	Retain
<i>Regretting</i> that illegal killing, taking and trade of migratory birds still represent important factors against the achievement and maintenance of the favourable conservation status of bird populations in all major flyways, negatively affecting conservation actions undertaken by States and resulting in adverse impacts on the conservation, legal hunting, agriculture and tourism sectors;	Retain
<i>Concerned</i> that there are continued and intensified illegal killing, taking and trade of migratory birds in some areas, although also with significant reductions in others, and that the risk remains high that this is contributing to population declines of a number of species including some that are listed on CMS Appendix I and globally threatened with extinction (e.g., Spoon-billed Sandpiper <i>Eurynorhynchus pygmeus</i> , Yellow-breasted Bunting <i>Emberiza aureola</i> and Marsh Seedeater <i>Sporophila palustris</i>);	Retain
<i>Aware</i> that subsistence uses, recreational activities and organized crime are key drivers of such illegal killing, taking and trade for, <i>inter alia</i> , supply of food, trophies, cage birds, and support of traditional practices;	Retain
<i>Aware</i> that such illegal killing, taking and trade are a cause of great national and international public concern along each flyway;	Retain
<i>Welcoming</i> the practical responses by several Parties and Signatories to CMS instruments to international concern about illegal killing, taking and trade of migratory birds;	

Paragraph	Comments
<p><i>Welcoming</i> the recent enhanced focus on tackling the illegal killing, taking and trade of migratory birds in the Mediterranean region including through:</p> <ul style="list-style-type: none"> • Recommendation No 164 (2013) of the Bern Convention Standing Committee on the implementation of the Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds; • The Roadmap towards eliminating illegal killing, trapping and trade of birds (12/2012) developed in relation to Directive 2009/147/EC of the European Parliament and Council on the Conservation of Wild Birds; • The AEWA-led, multi-stakeholder Plan of Action to address bird trapping along the Mediterranean coasts of Egypt and Libya (UNEP/CMS/ScC18/Inf.10.12) the development of which was funded by the Government of Germany; and • BirdLife International's 2014 review of the scale and extent of illegal killing and taking in the Mediterranean and current development of protocols for monitoring the extent of such illegal activities; 	<p>Retain</p>
<p><i>Recognizing</i> the role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as the principal international instrument for ensuring that international trade in specimens of wild animals and plants does not threaten the species' survival;</p>	<p>Retain</p>
<p><i>Welcoming</i> the Declaration of the London Conference on the Illegal Wildlife Trade which states that "Action to tackle the illegal trade in elephants and rhinoceroses will strengthen our effectiveness in tackling the illegal trade in other endangered species";</p>	<p>Retain</p>
<p><i>Acknowledging</i> the role of legal and sustainable hunting of birds in sustainable livelihoods and conservation of habitats and the role of the hunting community in promoting and encouraging compliance with the law and sustainable hunting practices;</p>	<p>Retain</p>
<p><i>Welcoming</i> the recent synergies on actions to prevent illegal killing created between the Bern Convention, the EU, the Convention on Migratory Species (CMS), the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MOU) and encouraging the continuation of their cooperation on the conservation of migratory birds;</p>	<p>Retain</p>
<p><i>Acknowledging</i> the need to establish lines of action and co-operation on criminal matters affecting the environment in order to harmonise <u>harmonize</u> the national legislations;</p>	<p>Retain</p>
<p><i>Welcoming</i> the support of the Criminal Justice Program of the EU and the efforts of European Birdlife partners to assess levels of implementation and enforcement of Directive 2008/99/EC on the Protection of the Environment through Criminal Law by EU Member States, and <i>Welcoming also</i> the creation of a European Network of Environmental Crime as a coordination mechanism between legal and other practitioners which works to prevent and prosecute illegal bird killing and capture, facilitate information exchange, as well as builds communication channels with other networks and MEA Secretariats;</p>	<p>Retain</p>

Paragraph	Comments
<i>Having regard</i> to the Strategic Plan of the Convention on Biological Diversity 2011-2020, and its Aichi targets, and welcoming the international partnership launched to support Parties to achieve Aichi Biodiversity Target 12;	Retain
<i>Referring</i> to the Strategic Plan for Migratory Species 2015-2023 (UNEP/CMS/COP11/Doc.15.2) and in particular Target 6 that “fisheries and hunting have no significant direct or indirect adverse impacts on migratory species, their habitats or their migration routes, and impacts of fisheries and hunting be within safe ecological limits”;	Retain
<i>Having regard</i> to the Strategic Plan of AEWA, especially Target 2.3 “Measures to reduce and, as far as possible, eliminate, illegal taking of waterbirds, the use of poison baits and non-selective methods of taking are developed and implemented” and the Action Plan of the Raptors MoU, especially Priority Action 4a “Protecting all species from unlawful killing, including poisoning, shooting, persecution, and exploitation”; and	Retain
<i>Acknowledging</i> the widespread adoption of the zero tolerance approach, as well as progress at the Party level towards the monitoring of illegal activities and the adoption of a coordinated approach covering each stage of the chain of activities related to illegal killing, taking or trade;	Retain
<i>The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals</i>	
1. <i>Calls on</i> Parties, non-Parties and other stakeholders, including non-governmental organizations, to engage in immediate cooperation to address the illegal killing, taking and trade of migratory birds through support of, and collaboration with, existing international initiatives and mechanisms to address these issues, as well as establishing (as appropriate and where added value can be assured) Task Forces targeted at facilitating concerted action to eliminate illegal killing, taking and trade of shared populations of migratory birds in those areas where such problems are prevalent;	Retain
2. <i>Calls on</i> the Secretariat to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean in conjunction with the Secretariats of AEWA, the Raptors MoU, the African-Eurasian Migratory Landbirds Action Plan and the Bern Convention, involving the Mediterranean Parties, including the European Union, other interested Parties, including from outside the region, and other stakeholders such as BirdLife International and the Federation of Associations for Hunting and Conservation of the EU (FACE) in line with the Terms of Reference in Annex 1, to facilitate the implementation of that existing guidelines and action plans, any necessary new guidelines and action plans relating to the Mediterranean (particularly the Tunis Action Plan) and to consider whether any new guidelines, action plans or other recommendations to respond to specific problems are necessary;	Repeal; task force has been established
3. <u>2.</u> <i>Calls also on</i> the Secretariat to actively explore with Parties and non-Party Range States and others in South and Central America and the Caribbean the potential to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in that region;	Retain
4. <u>3.</u> <i>Urges</i> Parties and <i>encourages</i> non-Parties to ensure adequate national legislation to protect migratory species is in place and properly implemented and enforced, in line with CMS and its relevant associated	Retain

Paragraph	Comments
instruments, especially AEWA and the Raptors MoU, and other international instruments, especially the Bern Convention;	
5. 4. <i>Urges</i> Parties and <i>invites</i> non-Parties to promote and ensure synergies between work to implement the Guidelines to Prevent Poisoning of Migratory Birds as adopted through Resolution 11.15, in particular in relation to poisoned baits, and to prevent illegal killing of birds;	Retain
6. 5. <i>Requests</i> the Task Force to encourage monitoring of the trends in illegal killing, taking and trade of migratory birds using comparable methodologies internationally and to facilitate the exchange of best practice experience in combating these activities, especially between particular trouble spots around the globe, building on the experience gained in the Mediterranean;	Retain
7. 6. <i>Instructs</i> the Secretariat, in collaboration with Parties and relevant international organizations, subject to the availability of funds, and building on the experience in the Mediterranean to support efforts to address illegal killing, taking and trade of migratory birds elsewhere in the world, including through the organisation <u>organization</u> of workshops, as appropriate;	Retain
8. 7. <i>Calls on</i> Parties and <i>invites</i> non-Parties and stakeholders, with the support of the Secretariat, to strengthen national and local capacity for addressing illegal killing, taking and trade of migratory birds, <i>inter alia</i> , by developing training courses, translating and disseminating relevant materials and examples of best practice, sharing protocols and regulations, transferring technology, and promoting the use of online tools and other tools to address specific issues;	Retain
9. 8. <i>Urges</i> Parties and <i>invites</i> UNEP and other relevant international organizations, bilateral and multilateral donors to support financially the operations of the Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean, including through funding for its coordination, and subject to the results of monitoring mentioned in paragraph 5, the development of equivalent Task Forces at other trouble spots, including through the provision of financial assistance to developing countries for relevant capacity building; and	Retain
10. 9. <i>Calls on</i> the Secretariat to report progress, on behalf of the Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean and other similar initiatives elsewhere in the world, on implementation and, as much as possible, on assessment of the efficacy of measures taken, <u>at each meeting of the Conference of the Parties to COP12 in 2017.</u>	Retain as modified
<p>Annex 1</p> <p>TERMS OF REFERENCE OF THE INTERGOVERNMENTAL TASK FORCE TO ADDRESS ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS IN THE MEDITERRANEAN (Mediterranean Illegal Killing, Taking and Trade Task Force (MIKT))</p> <p>1. Background and purpose This Task Force is established in line with the mandate provided by the Resolution adopted at COP11 entitled “The Prevention of Illegal Killing, Taking and Trade of Migratory Birds” to assist the Parties to the Convention on Migratory Species (CMS) and its associated instruments, relevant MEAs and Conventions to fulfil their obligations to protect migratory birds from illegal killing, taking and trade.</p>	Repeal; task force has been established

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<p>2. Goal To ensure that no illegal killing, taking and trade of birds takes place in the Mediterranean Region.</p> <p>3. Role The role of the Task Force is to facilitate concerted efforts and procedures to combat illegal killing, taking and trade of migratory birds in the Mediterranean Region. It will facilitate the implementation of the existing guidelines and action plans in particular the Tunis Action Plan 2013-2020 for the Eradication of Illegal Killing, Trapping and Trade of Wild Birds, and to consider whether any new guidelines, action plans or other recommendations to respond to specific problems are necessary.</p> <p>4. Scope The Task Force will be regional covering all coastal States of the Mediterranean Sea.</p> <p>The Task Force will cover all migratory bird taxa as identified by CMS and its relevant associated instruments, which regularly occur in the Mediterranean Region.</p> <p>5. Remit The Task Force will:</p> <p>a. Promote and facilitate implementation of relevant decisions and plans adopted in the framework of MEAs or other frameworks; b. Set priorities for its actions and implement them; c. Assist in resource mobilization for priority actions; d. Monitor the implementation of the relevant decisions and plans and their effectiveness and submit progress reports to the governing bodies of the participating MEAs; e. Stimulate internal and external communication and exchange of information, experience, best practice and know-how; and f. Strengthen regional and international networks.</p> <p>Annex VIII: Resolution 11.16 CMS COP11 Proceedings: Part I 174 of 276 318</p> <p>6. Membership The Task Force membership will comprise representatives of relevant government institutions in the field of environment, game management, law enforcement and judiciary in the Parties to the participating MEAs in the Mediterranean Region.</p> <p>It will also involve observers from the Secretariats of the participating MEAs, as well as academic institutions, the hunting community, NGOs and other stakeholders, as appropriate.</p> <p>The following representatives will also be invited to contribute to the Task Force:</p> <ul style="list-style-type: none"> • Representatives of Parties elsewhere in the African-Eurasian Flyway and beyond that wish to support the work of the Task Force; 	

Paragraph	Comments
<p>• Representatives of the CMS Scientific Council, AEWA Technical Committee, Raptors MoU Technical Advisory Group, Bern Convention Expert Group on Birds;</p> <p>• Representatives of the CMS Preventing Poisoning Working Group, African-Eurasian Migratory Landbird Working Group and Flyways Working Group; and</p> <p>• Independent experts on migratory bird ecology and policy, the different kinds of illegal bird killing, taking and trade and their prevention.</p> <p>7. Governance</p> <p>The Task Force will elect a Chair and a Vice Chair from amongst its members.</p> <p>The Task Force will operate by seeking consensus, as much as possible, among the group.</p> <p>The Task Force will operate in accordance with a <i>modus operandi</i>, which shall be established once the Task Force has been convened.</p> <p>8. Operation</p> <p>Funding permitting, a coordinator will be appointed by the Task Force with the following functions:-</p> <ul style="list-style-type: none"> – Organize the meetings of the Task Force and prepare the background documents; – Maintain and moderate the Task Force communication platform (website and intranet);- – Facilitate implementation of decisions of the Task Force, as necessary; – Facilitate fundraising and resource mobilization; and – Facilitate engagement with stakeholders within and beyond the Task Force. <p>Meetings of the Task Force will be convened at appropriate intervals, as considered necessary and funding permitting.</p> <p>Between meetings business will be conducted electronically through an online workspace (intranet) within the Task Force’s website, which will provide the primary mode of communication.</p> <p>The Task Force, in collaboration with Parties and relevant international organizations, subject to the availability of funds, will organize regional workshops in trouble spot areas to assist in developing appropriate local or regional solutions.</p>	

RESOLUTION 11.16 (REV. COP12)**THE PREVENTION OF ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS**

Recalling Article III (5) of the Convention which provides for Parties that are Range States to prohibit the taking of species included in Appendix I, and Article V (5) (k) on Guidelines for AGREEMENTS which suggests, where appropriate and feasible, each Agreement should prepare for procedures for co-ordinating action to suppress illegal taking,

Further recalling that the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MoU), the Action Plan for the Conservation of African-Eurasian Migratory Landbirds (AEMLAP) as adopted through Resolution 11.17, and most other bird-related MoUs and action plans under CMS include measures related to the protection of birds,

Acknowledging the collaborative effort of the International Consortium on Combating Wildlife Crime working to bring coordinated support to national wildlife law enforcement agencies and regional networks, and the need to establish a coordination mechanism between the Consortium and CMS in relation to the mandates laid out in this Resolution on illegal killing, taking and trade of migratory birds,

Noting the Guidelines to Prevent Poisoning of Migratory Birds as adopted through Resolution 11.15, and the Action Plan for the Conservation of African-Eurasian Migratory Landbirds,

Regretting that illegal killing, taking and trade of migratory birds still represent important factors against the achievement and maintenance of the favourable conservation status of bird populations in all major flyways, negatively affecting conservation actions undertaken by States and resulting in adverse impacts on the conservation, legal hunting, agriculture and tourism sectors,

Concerned that there are continued and intensified illegal killing, taking and trade of migratory birds in some areas, although also with significant reductions in others, and that the risk remains high that this is contributing to population declines of a number of species including some that are listed on CMS Appendix I and globally threatened with extinction (e.g., Spoon-billed Sandpiper *Eurynorhynchus pygmeus*, Yellow-breasted Bunting *Emberiza aureola* and Marsh Seedeater *Sporophila palustris*),

Aware that subsistence uses, recreational activities and organized crime are key drivers of such illegal killing, taking and trade for, *inter alia*, supply of food, trophies, cage birds, and support of traditional practices,

Aware that such illegal killing, taking and trade are a cause of great national and international public concern along each flyway,

Welcoming the practical responses by several Parties and Signatories to CMS instruments to international concern about illegal killing, taking and trade of migratory birds,

Welcoming the recent enhanced focus on tackling the illegal killing, taking and trade of migratory birds in the Mediterranean region including through:

- Recommendation No 164 (2013) of the Bern Convention Standing Committee on the implementation of the Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds,

- The Roadmap towards eliminating illegal killing, trapping and trade of birds (12/2012) developed in relation to Directive 2009/147/EC of the European Parliament and Council on the Conservation of Wild Birds,
- The AEWA-led, multi-stakeholder Plan of Action to address bird trapping along the Mediterranean coasts of Egypt and Libya (UNEP/CMS/ScC18/Inf.10.12) the development of which was funded by the Government of Germany, and
- BirdLife International's 2014 review of the scale and extent of illegal killing and taking in the Mediterranean and current development of protocols for monitoring the extent of such illegal activities,

Recognizing the role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as the principal international instrument for ensuring that international trade in specimens of wild animals and plants does not threaten the species' survival,

Welcoming the Declaration of the London Conference on the Illegal Wildlife Trade which states that "Action to tackle the illegal trade in elephants and rhinoceroses will strengthen our effectiveness in tackling the illegal trade in other endangered species",

Acknowledging the role of legal and sustainable hunting of birds in sustainable livelihoods and conservation of habitats and the role of the hunting community in promoting and encouraging compliance with the law and sustainable hunting practices,

Welcoming the recent synergies on actions to prevent illegal killing created between the Bern Convention, the EU, the Convention on Migratory Species (CMS), the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MoU) and encouraging the continuation of their cooperation on the conservation of migratory birds,

Acknowledging the need to establish lines of action and co-operation on criminal matters affecting the environment in order to harmonize the national legislations,

Welcoming the support of the Criminal Justice Program of the EU and the efforts of European Birdlife partners to assess levels of implementation and enforcement of Directive 2008/99/EC on the Protection of the Environment through Criminal Law by EU Member States, and

Welcoming also the creation of a European Network of Environmental Crime as a coordination mechanism between legal and other practitioners which works to prevent and prosecute illegal bird killing and capture, facilitate information exchange, as well as builds communication channels with other networks and MEA Secretariats,

Having regard to the Strategic Plan of the Convention on Biological Diversity 2011-2020, and its Aichi targets, and welcoming the international partnership launched to support Parties to achieve Aichi Biodiversity Target 12,

Referring to the Strategic Plan for Migratory Species 2015-2023 (UNEP/CMS/COP11/Doc.15.2) and in particular Target 6 that "fisheries and hunting have no significant direct or indirect adverse impacts on migratory species, their habitats or their migration routes, and impacts of fisheries and hunting be within safe ecological limits",

Having regard to the Strategic Plan of AEWA, especially Target 2.3 "Measures to reduce and, as far as possible, eliminate, illegal taking of waterbirds, the use of poison baits and non-selective methods of taking are developed and implemented" and the Action Plan of the

Raptors MoU, especially Priority Action 4a “Protecting all species from unlawful killing, including poisoning, shooting, persecution, and exploitation”, and

Acknowledging the widespread adoption of the zero tolerance approach, as well as progress at the Party level towards the monitoring of illegal activities and the adoption of a coordinated approach covering each stage of the chain of activities related to illegal killing, taking or trade,

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Calls on* Parties, non-Parties and other stakeholders, including non-governmental organizations, to engage in immediate cooperation to address the illegal killing, taking and trade of migratory birds through support of, and collaboration with, existing international initiatives and mechanisms to address these issues, as well as establishing (as appropriate and where added value can be assured) Task Forces targeted at facilitating concerted action to eliminate illegal killing, taking and trade of shared populations of migratory birds in those areas where such problems are prevalent;
2. *Calls also on* the Secretariat to actively explore with Parties and non-Party Range States and others in South and Central America and the Caribbean the potential to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in that region;
3. *Urges* Parties and *encourages* non-Parties to ensure adequate national legislation to protect migratory species is in place and properly implemented and enforced, in line with CMS and its relevant associated instruments, especially AEWA and the Raptors MoU, and other international instruments, especially the Bern Convention;
4. *Urges* Parties and *invites* non-Parties to promote and ensure synergies between work to implement the Guidelines to Prevent Poisoning of Migratory Birds as adopted through Resolution 11.15, in particular in relation to poisoned baits, and to prevent illegal killing of birds;
5. *Requests* the Task Force to encourage monitoring of the trends in illegal killing, taking and trade of migratory birds using comparable methodologies internationally and to facilitate the exchange of best practice experience in combating these activities, especially between particular trouble spots around the globe, building on the experience gained in the Mediterranean;
6. *Instructs* the Secretariat, in collaboration with Parties and relevant international organizations, subject to the availability of funds, and building on the experience in the Mediterranean to support efforts to address illegal killing, taking and trade of migratory birds elsewhere in the world, including through the organization of workshops, as appropriate;
7. *Calls on* Parties and *invites* non-Parties and stakeholders, with the support of the Secretariat, to strengthen national and local capacity for addressing illegal killing, taking and trade of migratory birds, *inter alia*, by developing training courses, translating and disseminating relevant materials and examples of best practice, sharing protocols and regulations, transferring technology, and promoting the use of online tools and other tools to address specific issues;
8. *Urges* Parties and *invites* UNEP and other relevant international organizations, bilateral and multilateral donors to support financially the operations of the Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean, including through funding for its coordination, and subject to the results of monitoring mentioned in paragraph

- 5, the development of equivalent Task Forces at other trouble spots, including through the provision of financial assistance to developing countries for relevant capacity building; and
9. *Calls on* the Secretariat to report progress, on behalf of the Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean and other similar initiatives elsewhere in the world, on implementation and, as much as possible, on assessment of the efficacy of measures taken, at each meeting of the Conference of the Parties.