



CONVENTION ON MIGRATORY SPECIES

Distribution: General

UNEP/CMS/ScC18/Doc.10.12
6 May 2014

Original: English

18TH MEETING OF THE SCIENTIFIC COUNCIL

Bonn, Germany, 1-3 July 2014

Agenda Item 10.12

PREVENTING THE ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS

Summary

Since COP10 CMS has been confronted with several cases of illegal killing, taking and trade in birds. Although a problem of global scale, there are specific regions and hotspots in the world where it is particularly acute and well documented, as is the case with the Mediterranean Region. Several CMS instruments are attempting to address this issue, such as AEWA, the Raptors MoU and the Siberian Crane MoU, but the severity of the problem requires an integrative and unified approach under the broader CMS framework.

To that effect a draft Resolution on the Prevention of Illegal Killing, Taking and Trade of Migratory Birds has been prepared for the consideration of the Scientific Council. This draft Resolution contributes to the wider process of combating wildlife crime and is in line with CBD Aichi Target 12, the CMS Strategic Plan 2006-2014 and the upcoming Strategic Plan for Migratory Species 2015-2023.

PREVENTING THE ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS

(Prepared by the UNEP/CMS Secretariat)

1. Illegal killing, taking and trade of migratory birds have been identified as some of the key factors that threaten the conservation status of migratory birds. Together with other factors such as habitat degradation and fragmentation, illegal killing is contributing to the population decrease of several species included in CMS Appendices.
2. Although a problem of global scale, there are specific regions and hotspots in the world where it is particularly acute and well documented, as is the case with the Mediterranean Region. Several CMS instruments are attempting to address this issue, such as AEWAs, the Raptors MoU and the Siberian Crane MoU, but the severity of the problem requires an integrative and unified approach under the broader CMS framework.
3. Target 2.6 of the CMS Strategic Plan 2006-2014 requests that actions to mitigate the most serious threats to migratory species and obstacles to animal migration are initiated or carried out in particular relating to illegal taking, under the framework of Objective 2 on ensuring that migratory species benefit from the best possible conservation measures.
4. To that effect a draft Resolution on the Prevention of Illegal Killing, Taking and Trade of Migratory Birds has been prepared for the consideration of the Scientific Council. This draft Resolution contributes to the wider process of combating wildlife crime and is in line with CBD Aichi Target 12, the CMS Strategic Plan 2006-2014 and the upcoming Strategic Plan for Migratory Species 2015-2023.

Action requested:

The Scientific Council is invited to:

- (a) Review and endorse the draft Resolution on the Prevention of Illegal Killing, Taking and Trade of Migratory Birds annexed to this cover note and submit the draft Resolution as amended to COP11 for discussion and adoption.
- (b) Provide guidance on scientific and technical issues related to the illegal killing, taking and trade of migratory birds, and recommend priority research to address gaps in existing knowledge.

ANNEX

DRAFT RESOLUTION

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

Recalling Article III (5) of the Convention which prohibits the taking of species included in Appendix I, and Article V (5) (k) on Guidelines for AGREEMENTS which requests that procedures for co-ordinating action to suppress illegal taking are prepared;

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 draft Action Plan for the Conservation of African-Eurasian Migratory Landbirds (AEMLAP), and most other bird-related MoUs and action plans under CMS include measures related to the illegal killing, taking and trade of birds;

Noting the Guidelines to Prevent Poisoning of Migratory Birds proposed for adoption in UNEP/CMS/ScC18/Doc.10.9 and the draft African Eurasian Migratory Landbirds Action Plan proposed for adoption in UNEP/CMS/ScC18/Doc.10.7;

Regretting that illegal and unregulated 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 and unsustainable 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* and Yellow-breasted Bunting *Emberiza aureola*);

Aware that the key drivers of such illegal killing, taking and trade, which can be for a range of uses including food, trophies, cage birds, traditional practices, and varies from subsistence, to recreation and organized crime;

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 and unregulated 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) under the European Union Directive on the Conservation of Wild Birds; and
- 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;

Welcoming relevant actions taken under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the further efforts pledged to eradicate the illegal wildlife trade within the CITES framework by 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 legitimate 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;

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 12¹;

Referring to the draft CMS Strategic Plan for Migratory Species 2015-2023 (UNEP/CMS/COP11.XX) and in particular Target 6 requiring that hunting should 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 unsustainable 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;

¹ Aichi Target 12: By 2020 the extinction of known threatened species has been prevented and their conservation status, particularly of those most in decline, has been improved and sustained.

2. *Calls on* the Secretariat to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds to focus in the first instance on 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 and other stakeholders such as BirdLife International and the European Association of Federations for Hunting and Conservation (FACE) in line with the Terms of Reference at Annex 1, to ensure that existing guidelines and action plans are implemented, any necessary new guidelines and action plans are elaborated, suitable responses to specific problems are recommended and put in place and gaps in knowledge are filled;
3. *Urges* Parties and *encourages* non-Parties to ensure adequate national legislation is in place and properly implemented and enforced, in line with CMS and its relevant associated instruments, especially AEWA and the Raptors MoU, other international obligations, especially the Bern Convention and the EU Birds Directive, to protect migratory birds from illegal killing, taking and trade and ensuring that any use is sustainable, including putting in place implementation measures to increase compliance with bird protection laws;
4. *Urges* Parties and *invites* non-Parties to promote and ensure synergies between work to implement the draft Guidelines to Prevent Poisoning of Migratory Birds proposed for adoption in UNEP/CMS/ScC18/Doc.10.9, in particular in relation to poisoned baits, and to prevent other forms of 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 ensure that best practice experience in combating these activities is exchanged, especially between particular hotspots 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 organize workshops elsewhere in the world, as appropriate, to facilitate the efforts to address illegal killing, taking and trade of birds at hotspots;
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 birds, *inter alia*, by developing training courses, translating and disseminating 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, including through funding for its coordination, and the development of equivalent Task Forces at other hotspots, 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 and other similar initiatives elsewhere in the world, on implementation and, as much as possible, on assessment of the efficacy of measures taken, to COP12 in 2017.

ANNEX 1

DRAFT TERMS OF REFERENCE OF THE INTERGOVERNMENTAL TASK FORCE TO ADDRESS ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS (Illegal Killing, Taking and Trade Task Force TAFIK)

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.

2. Goal

To ensure that all killing, taking and trade of birds is legal and sustainable.

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.

4. Scope

Although global by definition the Task Force will initially focus on the Mediterranean region covering all coastal States of the Mediterranean Sea.

The Task Force will cover all migratory bird taxa as identified by CMS and its relevant associated instruments, with an initial focus on birds which regularly occur and migrate across the Mediterranean.

5. Remit

The Task Force will:

- 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;

6. Membership

The Task Force 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, with an initial focus on the Mediterranean region;

It will also involve the Secretariats of the participating MEAs, as well as academic institutions, the hunting community, NGOs and other stakeholders, as appropriate;

The following representatives will be also be invited to contribute to the Task Force:

- Representatives of Parties elsewhere in the African-Eurasian Flyway that wish to support the work of the Task Force;
- Representatives of the CMS Scientific Council, AEWAs Technical Committee, Raptors MoU Technical Advisory Group, Bern Convention Expert Group on Birds;
- Representatives of the CMS Preventing Poisoning Working Group, African-Eurasian Migratory Landbird Working Group and Flyways Working Group; and
- Independent experts on migratory bird ecology and policy, the different kinds of illegal bird killing, taking and trade and their prevention;

7. Governance

The Task Force will elect a Chair and a Vice-Chair amongst its members;

The Task Force will operate by seeking consensus, as much as possible, among the group;

The Task Force will operate in accordance with a *modus operandi*, which shall be established once the Task Force has been convened;

8. Operation

Funding permitting, a coordinator will be appointed with the following functions:

- 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;

Meetings of the Task Force will be convened at appropriate intervals, as considered necessary and funding permitting;

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; and

The Task Force, in collaboration with Parties and relevant international organizations, subject to the availability of funds, will organize regional workshops in hotspot areas –with an initial focus on the Mediterranean region- to assist in developing appropriate local or regional solutions.