



# Joint Meeting of Bern Convention SFPs and CMS MIKT on Illegal Killing, Taking and Trade of Wild Birds

## CMS National Legislation Programme

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# NLP Mandate



- CMS Resolution 12.9 *Establishment of a Review Mechanism and a National Legislation Programme*
- CMS COP14 Decisions 14.28-14.29 *Review Mechanism and National Legislation Programme*

## Mandate on CMS Articles III.4 a) and b) and III.5

III. 4. Parties that are Range States of a migratory species listed in Appendix I shall endeavour:

- a) to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction;
- b) to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and

III. 5. Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if:

- a) the taking is for scientific purposes;
- b) the taking is for the purpose of enhancing the propagation or survival of the affected species;
- c) the taking is to accommodate the needs of traditional subsistence users of such species; or
- d) extraordinary circumstances so require;

provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species.



## Objectives

- To strengthen the implementation of the Convention through national legislation
- To support Parties, if needed, in developing or improving relevant national legislation



# NLP Implementation

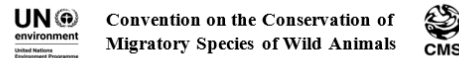
## Objective

- Long-term compliance with Articles III.4 a) and b) and III.5 of the Convention
- NLP as a supportive, non-adversarial and facilitative activity
- Multiple workstreams to provide assistance to Parties in complying with CMS provisions



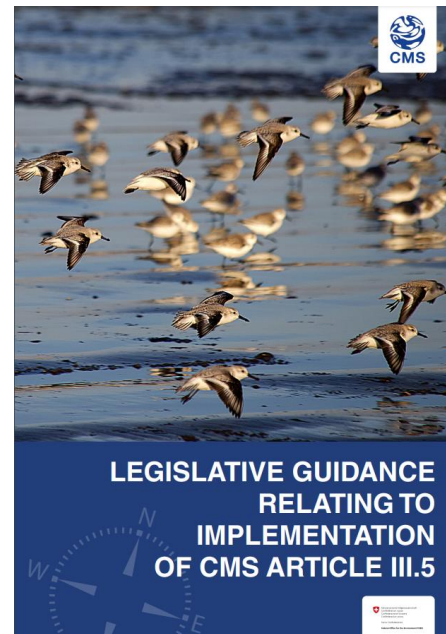
# Workstreams

- National Legislation Profiles
- Legislative Guidance and Model Laws
- Technical assistance and capacity-building



## Country's National Legislation Profile

1. The Conference of the Parties at its 12th meeting (COP12, Manila, 2017) adopted [UNEP/CMS/Resolution 12.9](#) and Decisions 12.6-12.9 on the *Establishment of a Review Mechanism and a National Legislation Programme*. The Conference of the Parties at its 14th meeting (COP14, Samarkand, 2024) adopted [Decisions 14.28-14.29](#) on the *Review Mechanism and National Legislation Programme*.
2. Section II of Resolution 12.9 established a National Legislation Programme to support implementation of the Convention, specifically aimed at ensuring long-term compliance with Article III, paragraphs 4(a) and (b) and 5. It encouraged Parties to submit information to the Secretariat regarding their legislation and other domestic measures relating to implementation of Article III, paragraphs 4(a) and (b) and 5.
3. In order to implement the National Legislation Programme, the Secretariat prepared an inventory of information concerning each Party's implementation of CMS Articles III.4 and III.5, and developed a questionnaire for Parties to complete in order to fill in knowledge gaps concerning implementation of Article III, paragraph 5.
4. The responses to the questionnaires, together with information from the inventories, were used to prepare an initial set of Legislative Guidance Materials and a Model Law for implementation of Article III.5, as well as National Legislation Profiles, including findings and recommended actions.
5. The Secretariat has drafted a National Legislation Profile for the country. The first section of the profile (Findings) is based on the information provided in the questionnaire, the analysis of legislation and domestic measures that the country indicated as implementing CMS Article III.5 domestically, and any dialogue that has taken place between the Secretariat and the Focal Point for the country. The second section (Recommended Actions) is intended to provide constructive feedback that could be used to enhance legislation. It aims at supporting the implementation of CMS Article III.5 through the country's domestic legislative framework by requesting further clarification of specific issues and/or recommending particular actions.
6. Due to differences in legislative systems worldwide, different interpretations, limitations with respect to translation capacity in the Secretariat, and the complexity of analyzing national laws, errors and/or omissions may exist in the findings or recommendations below. As this aims to be a constructive dialogue, we kindly ask you to provide clarification of any such point that you may identify in the Findings or Recommended Actions.
7. Pursuant to Section II(5) of Resolution 12.9, within six months of having received this document from the Secretariat, the country is requested to indicate procedures, actions and reasonable time frames that are envisaged in response.

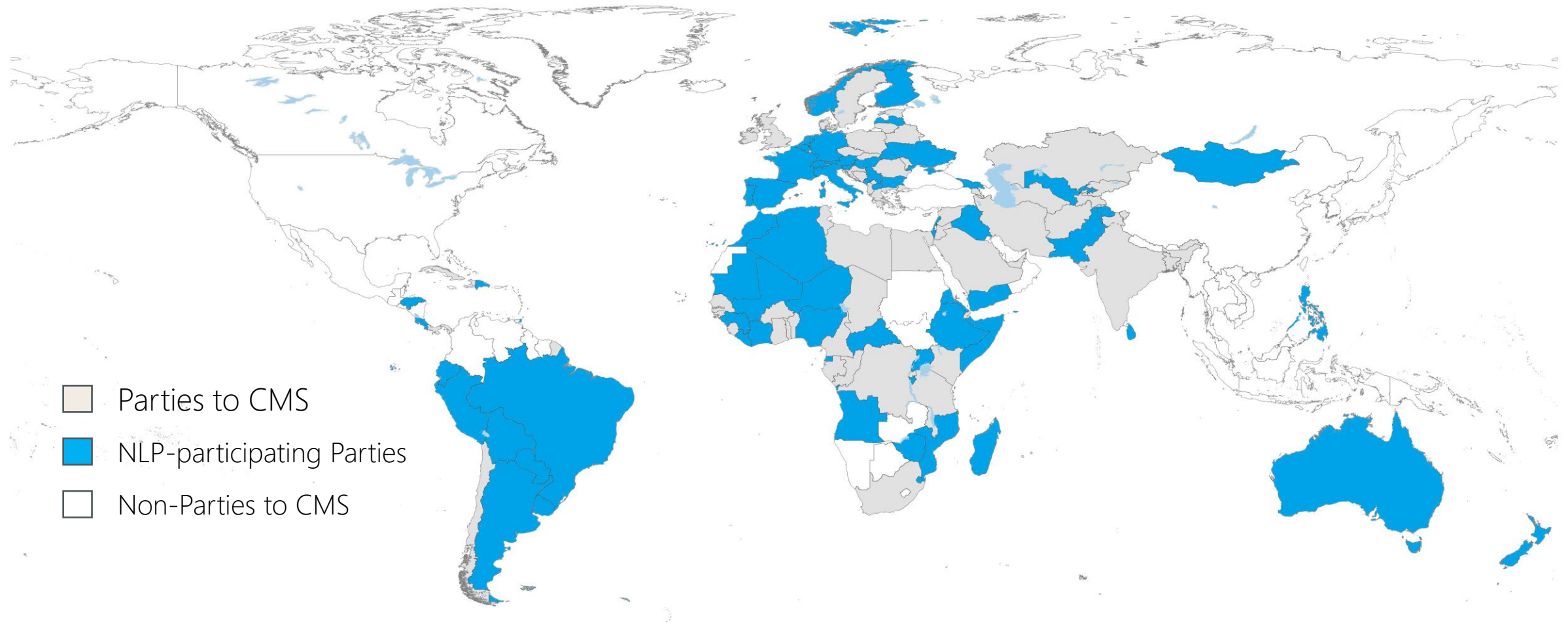


Global Workshop on CMS Legislation

UN Campus Bonn, Germany

3-5 June 2025

# 70 NLP-participating Parties



The depiction and use of boundaries, geographic names and related data shown on the map are not warranted to be error free nor do they necessarily imply official endorsement or acceptance by the United Nations.

## NLP-participating Parties in the MIKT

- 11 out of 22 MIKT members participate in the NLP:
  - Algeria
  - European Union
  - France
  - Israel
  - Italy
  - Lebanon
  - Malta
  - Montenegro
  - Morocco
  - Slovenia
  - Spain



# NLP Findings



# National Legislation Profiles

- 4 calls (2019, 2021, 2022, 2024)
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- Questionnaire on the implementation of Articles III.4 a) and b) and III.5
  - Table of CMS Appendix I species
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- 70 National Legislation Profiles
    - Findings and Recommended Actions on Article III.5

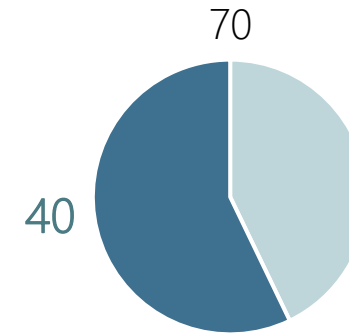
# "Taking" Prohibition

## Definition of "Taking"

■ Participating NLP Parties

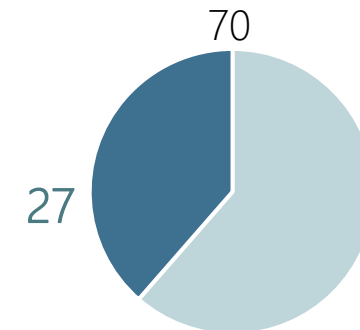


## Prohibition of "Attempt"



■ Participating Parties NOT Prohibiting "Attempt"

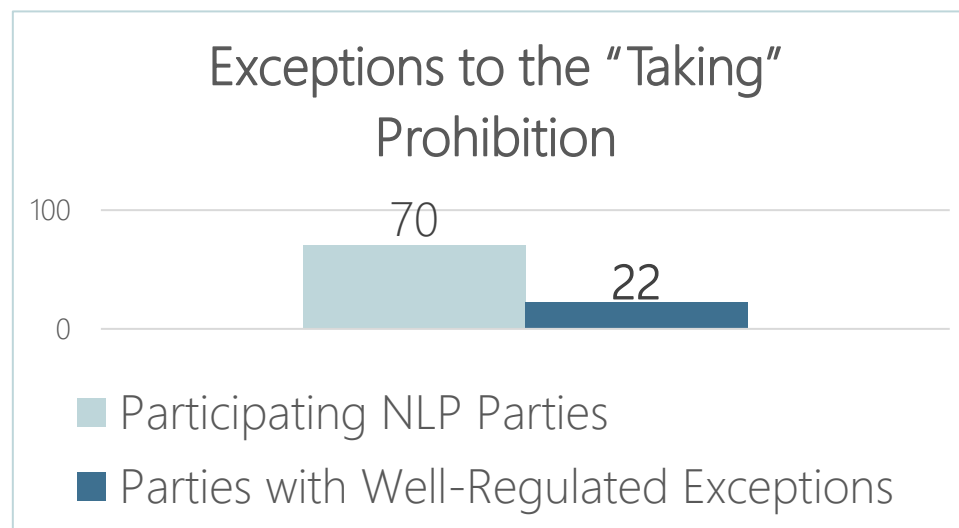
## Prohibition of "Harassing"



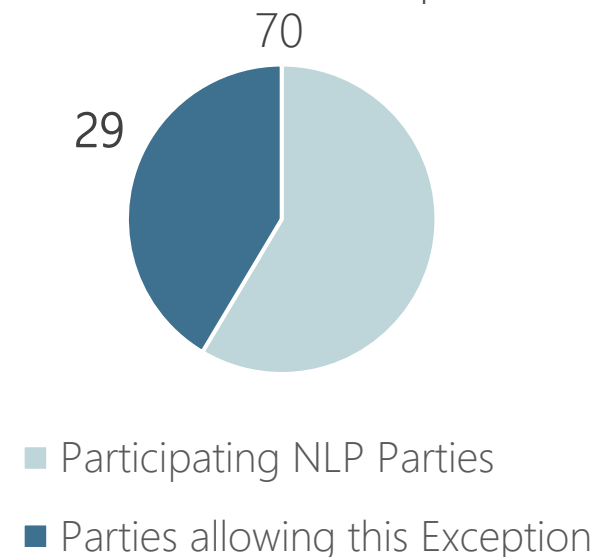
■ Participating Parties NOT Prohibiting "Harassing"

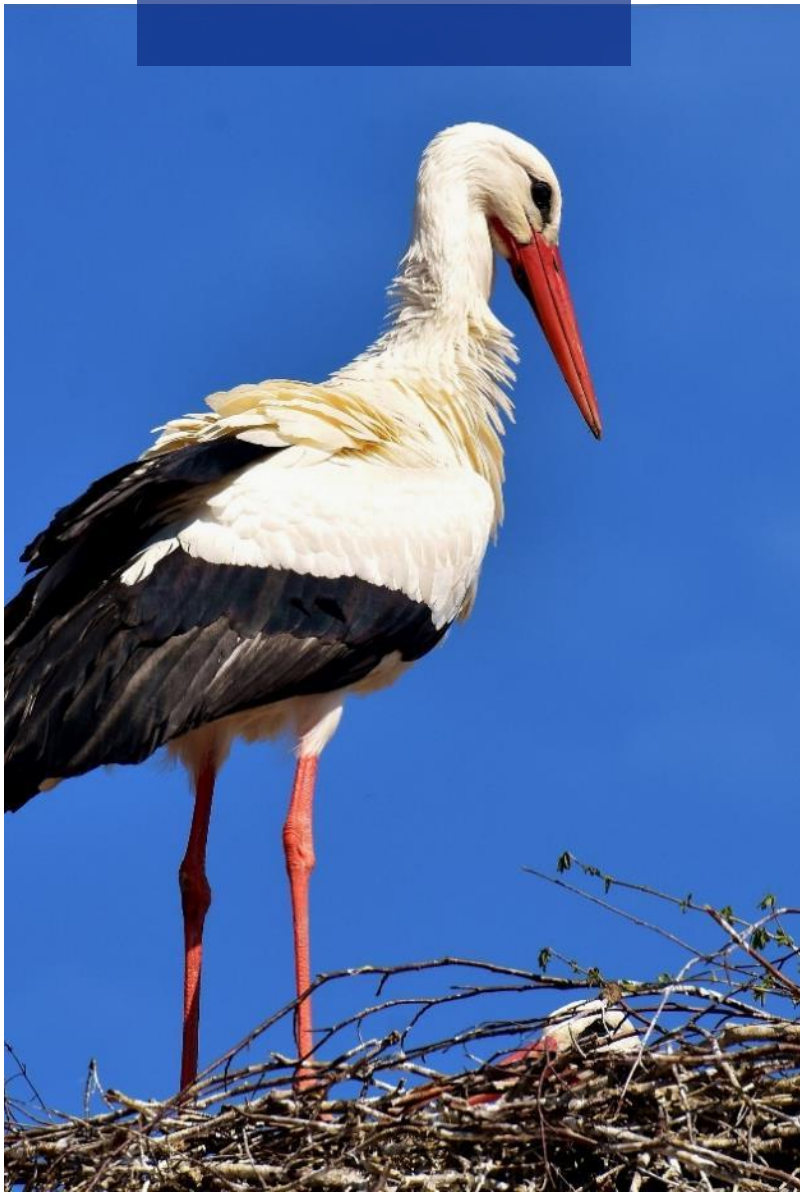
# Exceptions to the "Taking" Prohibition

### Public Display (impermissible exception)



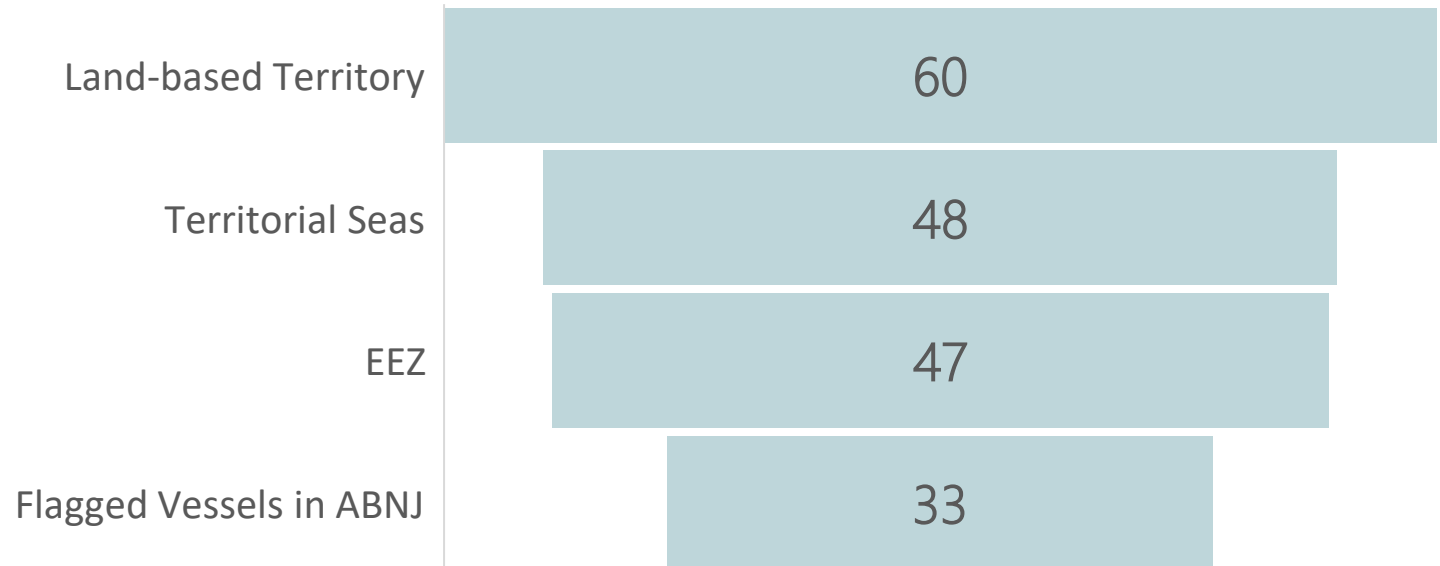
### Self-defense Exception





# Geographical Application of the “Taking” Prohibition

## Geographical Application of Art.III.5 among NLP-participating Parties





## CMS Article III.7 Obligation

*III.7 The Parties shall as soon as possible inform the Secretariat of any exceptions made pursuant to paragraph 5 of this Article.*



THANK YOU!

