



CONVENTION ON MIGRATORY SPECIES

UNEP/CMS/Resolution 11.16 (Rev.COP13)

Original: English

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

Adopted by the Conference of the Parties at its 13th Meeting (Gandhinagar, February 2020)

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 coordinating 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 (Rev.COP12), 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 \(Rev.COP12\)](#) *Preventing Poisoning of Migratory Birds* and the AEMLAP,

Noting the definition of the illegal killing, trapping and trade of birds as agreed in the Second Conference on Illegal Killing, Trapping and Trade of Birds in Tunis 2013: “Activities which are illegal under national or regional law/regulations and involve the deliberate pursuit, killing, injuring or catching alive of wild birds or are aimed at illegal marketing live or dead specimens of wild birds, including their parts and derivatives. Such activities include but are not limited to: killing/trapping in closed periods, in areas with prohibitions in force, by unauthorised persons and/or protected species; use of prohibited means and substances; breach of bag limits; possession, donation, use, movement, transfer, offer for sale, advertisement, consumption, import, introduction from the sea, transit or export, of specimens.”,

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, including poisoning via usage of poisoned carcasses and poisoning baits against carnivores, 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 there is need for full analysis of motivation and drivers of deliberate illegal killing of birds, which could be country or region specific,

Aware that actions are necessary to decrease the demand and/or to change consumer behaviour with regards to products, such as food, taxidermies, decorative and songbirds, live birds of prey, etc.,

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,

Noting the Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law,

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 formerly 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 which was integrated into the Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT); and
- The BirdLife International-led reviews of the scale and extent of illegal killing and taking in the Mediterranean, Northern and Central Europe and the Caucasus, and its development of guidance for monitoring the extent of such illegal activities, updated in 2019.

Also welcoming the review of the scale and scope of illegal killing and taking in the Arabian Peninsula, Iran and Iraq led by BirdLife International and the Ornithological Society of the Middle East with cooperation with several governmental and non-governmental organizations in the region to assess the scale and scope of illegal killing of migratory birds and further welcoming the collaboration in place to develop a roadmap to address the illegal killing, taking and trade of migratory birds (IKB) in this region,

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 European Union, the Convention on the Conservation of Migratory Species of Wild Animals (CMS), AEWA and the Raptors MOU and encouraging the continuation of their cooperation on the conservation of migratory birds,

Noting the Cairo Declaration supporting a zero-tolerance approach on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean Region as well as the Programme of Work (POW) of MIKT for the period 2016-2020 developed at its first meeting,

Welcoming the support from the Bern Convention Standing Committee to the organization of back-to-back and joint meetings of the Bern Special Focal Points (SFPs) Network and MIKT and acknowledging the productive cooperation established between both networks in the fight against illegal killing, taking and trade of wild birds,

Welcoming the work on the Rome Strategic Plan 2020-2030: Eradicating Illegal Killing, Taking and Trade in Wild Birds in Europe and the Mediterranean region, as a coordinated effort by the MIKT and the Bern Convention,

Acknowledging the efforts of the CMS Secretariat to build a sustainable line of cooperation with INTERPOL and EUROPOL within the framework of MIKT, towards effective law enforcement responses in the Mediterranean and serving as a basis to support other task forces established to address the illegal killing, taking and trade of migratory birds in other regions, when appropriate,

Welcoming the cooperation between the CMS Secretariat and the European Network of Prosecutors for the Environment (ENPE) to train prosecutors and investigators from countries in the Mediterranean that have responsibility for law enforcement to protect 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 Programme of the European Union 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,

Recognizing the work of the East Asian-Australasian Flyways Partnership (EAAFP) to prevent illegal hunting¹ and unsustainable harvest of migratory waterbirds, and welcoming the establishment of the task force on illegal hunting, taking and trade of migratory waterbirds along the flyway, modelled on MIKT,

Noting the European Commission Communication COM (2016), 710 final, Commission Work Programme 2017 “Delivering a Europe that protects, empowers and defends”, and welcoming the initiative under Priority 10 envisaging an Action Plan on Environmental Compliance Assurance to support Member States on the promotion, monitoring and compliance enforcement by duty-holders with EU environmental law,

Noting the European Commission Communication COM (2017) 198 final, “An Action Plan for nature, people the economy” and the associated Commission Staff Working Document (2017) 139 final, “Factsheet providing details of actions in the Action Plan for Nature, people and the economy and the Council Conclusions of 19 June 2017,

¹ There are regional differences in the agreed terminology, in English, for the problem of the illegal removal of birds from the wild; in Europe and the Mediterranean, the agreed term is “illegal killing and taking” to avoid confusion with legitimate hunting practices whereas in Asia-Australasia, the agreed term is “illegal hunting and taking” due to cultural sensitivities

Noting the EU Commission communication COM (2018) 10 final “EU actions to improve environmental compliance and governance” and the associated Commission Staff Working Document (2018) 10 final “Environmental Compliance Assurance — scope, concept and need for EU actions”,

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 2019-2027, especially Objective 2.1.b: “By MOP8, Parties establish and/or maintain adequate systems for making realistic estimates of all forms of waterbird harvesting, including illegal taking, at national level” and 2.2.e. “By MOP9, Parties that have not already done so implement measures to reduce, and as far as possible eliminate, illegal taking (in accordance with paragraph 4.1.6 of the AEWA Action Plan)” and the Action Plan of the Raptors MOU, especially Priority Action 4a “Protecting all species from unlawful killing, including poisoning, shooting, persecution, and exploitation”,

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,

Taking note of the declaration and outcomes of the Global Flyways Summit in Abu Dhabi, United Arab Emirates, April 2018, related to Illegal Killing of Birds.

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

1. *Urges* Parties and invites non-Parties to commit to adopt a zero-tolerance approach to any deliberate illegal killing, trapping and trade of wild birds and to adopting a full and proactive role in fighting against these illegal activities;
2. *Calls* on Parties and invites non-Parties and stakeholders to prioritize cases of illegal killing taking and trade of birds, with special attention to profit-motivated crime and organized crime, taking into account the different levels of persons involved, from individuals to organised crime groups;
3. *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;
4. *Calls on* the Secretariat to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean² in conjunction with the Secretariats of AEWA, the Raptors MOU, the AEMLAP 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

²The Task Force was established after COP11.

of Associations for Hunting and Conservation of the EU (FACE), 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;

5. *Acknowledges* the work of MIKT in developing the Scoreboard to Assess the Progress in Combating Illegal Killing, Taking and Trade of Wild Birds and implementing the first Scoreboard assessment and promotes its use as a voluntary tool for Parties to assess their own progress in combating illegal killing, taking and trade of wild birds included in Annex 1 to this Resolution;
6. *Notes* that experience from the practical use of the Scoreboard should be gathered for its potential further development;
7. *Decides* to establish, subject to the availability of resources, an Intergovernmental Task Force on Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian Australasian Flyway (ITTEA) and adopts the terms of reference included in Annex 2 to this Resolution;
8. *Calls also on* the Secretariat to actively work with Parties and non-Party Range States and others in South and Central America and the Caribbean to conduct an assessment of Illegal Killing, Taking and Trade of Migratory Birds in that region, building upon recent assessments of illegal take of shorebirds;
9. *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 and other international instruments;
10. *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 (Rev.COP12), in particular in relation to poisoned baits, and to prevent illegal killing of birds;
11. *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;
12. *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;
13. *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, forensic techniques in wildlife investigations and other tools to address specific issues;
14. *Urges* Parties and invites the United Nations Environment Programme 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;

15. *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; and
16. *Calls also on* the Secretariat to support in conjunction with the Secretariats of the EAAFP and the Arctic Migratory Birds Initiative (AMBI) the completion, subject to available funding, of the situation analysis on the illegal hunting of migratory birds in South-East Asia started in 2018 by BirdLife International, using comparable methodology to the BirdLife International reviews already undertaken on this issue for the Mediterranean region, Northern and Central Europe, the Caucasus and the Middle East.