



Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds (Bern SFPs Network) and the UN Environment/CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT)

(Thursday 22nd and Friday 23rd June 2017)

UNEP/CMS/MIKT2/Doc.14

COP12 document on Illegal Killing of Birds

Prepared by the Secretariat

The Twelfth Session of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) is being held in Manila, the Philippines, from 23 to 28 October 2017.

As mandated by the COP at its 11th Meeting and to improve the implementation of the Convention, several Resolutions and Recommendations and parts thereof that are no longer in effect will be repealed.

Resolution 11.16, The Prevention of Illegal Killing, Taking and Trade of Migratory Birds will be repealed in part. Based on document UNEP/CMS/COP12/Doc.21.1.29 concerning resolutions to repeal in part, the Secretariat has prepared the document which is added to this cover note as document UNEP/CMS/COP12/Doc.24.1.1.

Action requested:

The Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds (Bern SFPs Network) and the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) is requested to review this document and make comments, if needed;



The European Commission were recognized as Champion Plus for their generous support and commitment towards addressing Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean for the period 2015-2018. This activity has been funded with the contribution granted by the European Commission under the Migratory Species Champion Programme and through the Global Public Goods and Challenges (GPGC Programme) Cooperation Agreements with UNEP.





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Agenda Item 24.1.1

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

(Prepared by the Secretariat)

Summary:

This document reports on the implementation of [Resolution 11.16, *The Prevention of Illegal Killing, Taking and Trade of Migratory Birds*](#) and recommends the adoption of decisions that are derived from the CMS Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT).

To facilitate the implementation of Resolution 11.16, the Secretariat proposes the establishment of a Task Force on Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway and has developed a draft Terms of Reference for consideration.

The implementation of both initiatives will contribute to the accomplishment of target 6 of the Strategic Plan for Migratory Species 2015-2023.

This document should be read in conjunction with [UNEP/CMS/COP12/Doc.21.1.29 concerning resolutions to repeal in part.](#)



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

Background

1. At CMS COP11 in 2014, Resolution 11.16 established an Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) and requested the Task Force to encourage monitoring of the trends on illegal killing, taking and trade of migratory birds. The monitoring of trends should use comparable methodologies internationally and facilitate concerted efforts as well as the implementation of the Tunis Action Plan 2013-2020 for the Eradication of Illegal Killing, Trapping and Trade of Wild Birds, working in close cooperation with the Bern Convention Secretariat.
2. Resolution 11.16 also urged Parties to develop equivalent Task Forces at other trouble spots, building on the experience in the Mediterranean.
3. During the intersessional period 2014-2017 two meetings of MIKT were scheduled. The first meeting was held in Cairo from the 12 to 15 July 2016. The meeting in Sliema (Malta) is scheduled to be held from 22 to 23 June 2017. The main outcome of the Cairo meeting was a [Programme of Work](#) for the Task Force during the period 2016-2020. The main outcome of the Sliema meeting is expected to be a Scoreboard to assess the national progress in combating illegal killing, taking and trade of wild birds.
4. In January 2017, the CMS Secretariat participated in the 9th Meeting of Partners of the East Asian-Australasian Flyway Partnership (EAAFP) where an International Task Force to address the Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway was established with a focus on EAAFP species, namely waterbirds. The Terms of Reference for this Task Force were adopted.

Scoreboard to assess the progress in combating illegal killing, taking and trade of wild birds (IKB)

5. The scoreboard to measure and benchmark the progress on the eradication of IKB at national level by the Mediterranean countries has been included in MIKT's Programme of Work as a high priority. To implement this action, the Secretariat and the Bern Convention Secretariat are developing¹ the Scoreboard for possible joint adoption by MIKT and the Bern Special Focal Points Network on Eradication of Illegal Killing, Trapping and Trade of Wild Birds at the Sliema meeting. This tool will be based on a common reporting system to be implemented in the geographical scope of both MIKT and the Bern Convention.

Intergovernmental Task Force to Address the Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway (ITTEA)

6. During a workshop of the Arctic Migratory Birds Initiative held in Singapore prior to MOP9 of EAAFP, there was a discussion on terminology to define IKB in Asia and the terminology agreed by the workshop participants was "illegal hunting, taking and trade of birds", IHB.
7. IHB of migratory birds in the East Asian-Australasian Flyway (EAAF) represent a major problem for several species whose decline is unprecedented both in its magnitude and speed.
8. In order to complement the efforts of the EAAFP to curb the impact of illegal hunting in the region, and following the appeal of Resolution 11.16 to establish Task Forces targeted at facilitating concerted action to eliminate IKB of shared populations of migratory birds in those areas where such problems are prevalent, the Secretariat has developed draft Terms of Reference for the establishment of an Intergovernmental Task Force to Address the IHB of Migratory Birds in the East Asian-Australasian Flyway covering all migratory

¹ Making use of funding provided by the Bern Convention Secretariat

bird species affected except waterbirds, aimed at complementing and coordinating its efforts with the EEAFP's equivalent Task Force.

Resolution 11.16

9. In order to highlight the developments of MIKT and include reference to recent developments, new text has been inserted in Resolution 11.16. Because of the process outlined in UNEP/CMS/COP12/Doc.21.1.29, Annex 1 of the present document takes as its starting point the remaining text of Resolution 11.16, as repealed in part in Annex 2 of UNEP/CMS/COP12/Doc.21.1.29.

Recommended actions

10. The Conference of the Parties is recommended to:
- a) adopt the proposed amendments to Resolution 11.16 contained in Annex 1;
 - b) adopt the draft Decisions related to MIKT contained in Annex 2;
 - c) adopt the draft Decisions related to IHB of migratory birds in the East Asian-Australasian flyway, contained in Annex 3;
 - d) take note of the Scoreboard to assess the progress in combating IKB contained in document UNEP/CMS/COP12/Inf.10;
 - e) adopt the Terms of Reference of the Intergovernmental Task Force to address the Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway (ITTEA) contained in Annex 4 which will form an annex to the amended Resolution.

ANNEX 1

PROPOSED AMENDMENTS TO RESOLUTION 11.16

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

NB: Proposed new text to the resolution that has been repealed in part in Doc 21.1.29 Annex 2 is underlined. Text to be deleted is crossed out.

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 March 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;

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 adopted at its first meeting.

Acknowledging the efforts of the 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 support from the Bern Convention Standing Committee on its 36th meeting to the organization of a back-to-back meeting of the Bern SFPs Network and MIKT in 2017 and *acknowledging* the productive cooperation established between both networks in the fight against illegal killing, taking and trade of wild 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 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;

Recognizing the work of the East Asian-Australasian Flyways Partnership (EAAFP) to prevent illegal hunting and unsustainable harvest of migratory waterbirds, particularly the initiative to establish a task force on illegal hunting, taking and trade of migratory birds 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.

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;

1 bis. *Takes note of* the scoreboard to assess the progress in combating illegal killing, taking and trade of wild birds included in Annex 1 to this Resolution;

1 ter. *Decides* to establish 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 4 to this Resolution;

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.

PROPOSED DECISIONS

TASK FORCE ON ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS IN THE MEDITERRANEAN (MIKT)

Directed to Parties

12.AA Parties and members of the MIKT are requested to:

- a) provide the Secretariat with the information required on the periodic reporting system related to the scoreboard which was adopted by MIKT and the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade of Wild Birds.

Directed to Parties, intergovernmental and non-governmental organisations and stakeholders

12.BB Parties, intergovernmental and non-governmental organizations are encouraged to:

- a) implement the Programme of Work of MIKT 2016-2020.

Directed to the Secretariat

12.CC The Secretariat shall:

- a) compile, in the intersessional period between COP12 and COP13, the information duly reported by the Parties and elaborate, in cooperation with the Bern Convention Secretariat the relevant scoreboard results which will evaluate and benchmark the national progress to address the illegal killing, taking and trade of wild birds.
- b) share in the CMS website the periodic results of the scoreboard in the intersessional period between COP12 and COP13.

ANNEX 3

PROPOSED DECISIONS

ILLEGAL HUNTING, TAKING AND TRADE OF MIGRATORY BIRDS IN EAST ASIAN-AUSTRALASIAN FLYWAY

Directed to Parties, intergovernmental and non-governmental organizations and stakeholders

12.DD Parties, intergovernmental and non-governmental organizations are encouraged to:

- a) support financially:
 - i. the operations of the Intergovernmental Task Force to Address Illegal Hunting, Taking and Trade of Migratory Birds in the EAAF (ITTEA); and
 - ii. its coordination.

Directed to the Secretariat

12.EE The Secretariat shall, subject to the availability of external resources:

- a) convene ITTEA in line with the Terms of Reference contained in Annex 4.

ANNEX 4

TERMS OF REFERENCE OF THE INTERGOVERNMENTAL TASK FORCE TO ADDRESS ILLEGAL HUNTING, TAKING AND TRADE OF MIGRATORY BIRDS IN THE EAST ASIAN-AUSTRALASIAN FLYWAY (ITTEA)

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 hunting, taking and trade.

Goal

To ensure that no illegal hunting, taking and trade of migratory birds (IHB) takes place in East Asian-Australasian Flyway (EAAF).

Role

To facilitate concerted efforts and procedures to combat IHB in the East Asian-Australasian Flyway in close cooperation with the East Asian-Australasian Flyway Partnership.

Scope

The Task Force will be regional covering all states of the East Asian-Australasian Flyway as follows; Australia, Bangladesh, Brunei, Cambodia, China, Democratic People’s Republic of Korea, Indonesia, Japan, Laos, Malaysia, Mongolia, Myanmar, New Zealand, Papua New Guinea, Philippines, Republic of Korea (South Korea), the Russian Federation, Singapore, Thailand, Timor-Leste (East Timor), United States of America and Vietnam.

The Task Force will cover all migratory bird taxa as identified by CMS, except waterbirds.

Remit

The Task Force will:

- Support and guide a review on the status of hunting regulations related to migratory birds in the EAAF;
- Support and guide a situation analysis on IHB in the flyway, building on the existing work of CMS MIKT in the Mediterranean, Europe and Middle East;
- Promote and facilitate implementation of relevant decisions and plans adopted in the framework of MEAs or other frameworks, especially the CMS, AMBI and Bilateral Migratory Bird Agreements;
- Stimulate internal and external communication and exchange of information, experience, best practice and know-how;
- Assist in resource mobilization for priority actions including cooperation with ASEAN;
- Monitor the implementation of the relevant decisions and plans and their effectiveness and regularly submit progress reports to the governing bodies of participating MEAs, including via an intergovernmental ‘scoreboard’ to indicate progress on eliminating IHB;
- Strengthen regional and international networks with experience on IHB (e.g. ASEAN Wildlife Enforcement Network); and
- Liaise and share experience with both the CMS MIKT and the EAAFP Task Force.

Membership

The Task Force membership will be comprised of 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 EAAF Region.

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

In addition, the following representatives will be invited to contribute to the Task Force:

- Representatives of Parties elsewhere in the EAAF and beyond that wish to support the work of the Task Force;
- Representatives of the CMS Scientific Council, CMS MIKT, EAAFP Task Force, AEWA Technical Committee, CMS Preventing Poisoning Working Group, the African-Eurasian Migratory Landbird Working Group, the Flyways Working Group, and other groups with relevant experience;
- Representatives from relevant Bilateral Migratory Bird Agreement and relevant IUCN specialist groups; and
- Relevant independent experts on IHB and on migratory bird ecology and policy.

Governance

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

Decision making will be done by seeking consensus, as much as possible, among the group.

The Task Force will operate by seeking consensus, as much as possible among the group and in accordance with a *modus operandi* which shall be developed once the Task Force in convened.

Operation

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

- organizing the meetings of the Task Force and preparing the background documents;
- maintaining and moderating the Task Force's communication platform (website and intranet);
- facilitating implementation of decisions of the Task Force;
- facilitating fundraising and resource mobilization; and
- facilitating 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.

In collaboration with Parties and relevant international organizations and subject to the availability of funds, the Task Force will organize regional workshops in trouble spot areas to assist in the development of appropriate local or regional solutions.