

Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Legislation that works

Making laws efficient and effective
at saving birds





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The Threat

Migratory birds cross continents and depend on safe conditions along their flyways, regardless of borders. The Mediterranean is a crucial passage for these birds, offering both a significant natural challenge and essential places to rest and feed. Each spring and autumn, millions of birds—including warblers, waterbirds, game birds, and raptors—migrate between Europe, Asia, and Africa, relying on wetlands, coasts, and forests as stopover sites.

Many migratory birds crossing the Mediterranean are illegally killed or trapped, mainly for food, pets, or sale. According to BirdLife International's 2016 study¹, up to 25 million birds may be killed each year in this region. This illegal activity is a major concern for the conservation of those species, undermining species protection and hindering population recovery.

The Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT)

In 2014, CMS adopted Resolution 11.16 (Rev. COP14) on Preventing the Illegal Killing, Taking, and Trade of Migratory Birds. The goal was to bring together international partners to develop a shared approach to address illegal bird killing (IKB) in a complex political and socio-economic context.

This Resolution led to the creation of the Intergovernmental Task Force on Illegal Killing, Taking, and Trade of Migratory Birds in the Mediterranean (MIKT). MIKT held its first meeting in Cairo, Egypt, in 2016, where it adopted a declaration committing to a “zero tolerance” approach to any illegal killing of birds that violates national or international laws.

The Rome Strategic Plan

MIKT's work is guided by the Rome Strategic Plan 2020–2030, titled *Eradicating Illegal Killing, Taking and Trade in Wild Birds in Europe and the Mediterranean Region*. This plan serves as a shared framework between MIKT and the Council of Europe's Bern Convention on the Conservation of European Wildlife and Natural Habitats.

The goal of the Rome Strategic Plan for 2030 is a 50% reduction of the scale and scope of IKB compared to a 2020 baseline.

While the specific measures needed to tackle IKB vary by country, the RSP establishes a common framework built around five result-oriented Objectives, with each Objective accompanied by a set of Indicators and time-bound Actions.



A

Willow Warbler caught on a limestick, Cyprus



B Wheatear caught in trammel net

Effective National Legislation

One of the key objectives of the Rome Strategic Plan is for countries to make their legislation for protecting and conserving birds efficient and effective against IKB.

Clear national legislation is vital for effective law enforcement and prosecution, while unclear laws create loopholes and make prosecution very difficult.

In 2022, MIKT contracted the Global Alliance for Animals and the Environment, Lewis and Clark Law School, Portland, Oregon to produce two resources for aiding countries make their legislation efficient and effective: the Legislative Guidance Materials² and Model Law Provisions on Illegal Killing, Taking, and Trade of Wild Birds³.

The Legislative Guidance offers countries a set of legislative ideas and options, informed by best practices to consult and draw upon, in the fight against IKB, while the Model Law offers law samples and ideas from different countries, informed by best practices.

The legislative guidance draws for inspiration from the CMS Treaty, the Rome Strategic Plan, the EU Birds Directive 2009/147/EC, National legislation examples, and the IKB Scoreboard.

Definitions

The legislative guidance recommends that laws use clear and precise language that follows agreed definitions. It encourages lawmakers to clearly define key terms, such as:

- Hunttable species
- Protected or non-hunttable species
- What counts as harassing a species
- Who the responsible authority is
- Which methods, equipment, or gear are prohibited

Using clear definitions helps make laws easier to understand and enforce.



C Trapped Red-backed Shrike

The CMS Treaty includes a prohibition against taking for species listed in Appendix I of the Treaty in Article III.5.

Taking is defined as follows “taking, hunting, fishing, capturing, harassing, deliberate killing, or attempting to engage in any such conduct.”



D Trammel nets at the Zaranik Protected Area, North Sinai, Egypt

White-list approach

The legislative guidance recommends using a White-list approach to clearly separate huntable species from protected ones. In this system, only the species listed can be hunted or collected – all others are automatically protected. It also recommends that only species with a favourable conservation status should be on the huntable species list.

This is clearer and more effective than the Black-list approach, which only lists prohibited species.

White-listing is easier to manage, needs fewer updates, and provides stronger protection for wildlife.

Exceptions

Exceptions to the general prohibitions in the law should be authorized under limited circumstances only and they should be strictly supervised.

CMS Treaty exceptions to taking of Appendix I species can only be authorized for

- Scientific purposes
- For enhancing the propagation or survival of affected species
- To accommodate the needs of traditional subsistence users of such species;
- or if extraordinary circumstances so require

Exceptions should be much stricter for non-huntable species, CMS Appendix I species, or other species with unfavourable conservation status, whereas exceptions for huntable species might be more flexible, but should still need to be authorized via a specific permit.

E Red-backed Shrike



Prohibitions

IKB legislation should clearly and comprehensively define prohibited conduct in detail rather than rely on generic terms like 'take' or 'trade'.

Examples of conduct that can be outlined in the law include deliberate killing; capturing; retaining; collecting, destruction or damage (particularly regarding nests and eggs), harassing; transportation; possession; consumption; offer for sale; purchase; export; import; persecuting, disturbing, and attempts thereof.

Licensing system

Legislation should establish a licensing system that ensures that hunting is conducted in a lawful and sustainable manner.

The legislation should define permissible species, gear and methods; hunting seasons; times of day when hunting is allowed; bag limits and quotas; data collection and reporting.

Many countries foresee a period of training for hunters and an exam, in order to award the license. The training relates to safety and security of rifles, identification of huntable species and details of the law.

Prohibiting explicitly the possession and/or consumption of non-huntable birds is a good example of closing possible loopholes, which might occur if only trapping and killing are prohibited, for example.

Enforcement

The law should clearly state which government agencies can enforce it and what they are allowed to do – for example, check permits, search vehicles or hunters, and confiscate equipment or birds in the field.

Penalties & Sanctions

Legislation should be clear about penalties and should include both administrative and criminal penalties, depending on the gravity of the offense. Ideally the legislation should include guidance on penalties and sanctions. All penalties should be designed with efficiency, fairness, and deterrence in mind. The law should stipulate both the minimum and maximum penalty authorized for each offense—although, theoretically countries may allow for “unlimited fines” in shocking cases.

The law should ideally include aggravating factors (or gravity factors) that can lead to harsher penalties or guide the court to apply the maximum sentence for a specific offense. Examples of such factors include repeat offenses (recidivism), financial gain, the scale of the offense, and the need for deterrence.

The legislation should also give enforcement authorities the power to confiscate specimens, equipment, and proceeds related to the offense.





G Quails in crate

Supplementary legislation

Hunting and bird protection laws may not cover every aspect needed to stop illegal killing, taking and trade of birds (IKB). Countries are encouraged to update or add new laws to fill these gaps.

For example, because illegal bird taking and trade often involves the use of mist nets, additional laws should ban the import, sale, and possession of such equipment – except when used for scientific research.

Restitution and/or Restoration

Quite often the damage from wildlife crime is a lot more widespread than killing a protected individual bird. For example, if a person litters an entire breeding or feeding area with poisoned baits, the competent authority might incur expenses to mitigate the ecological damage resulting from this illegal act. Such expenses could include surveying the area to find and remove the baits, test the soil or water to determine leakage of poison into the surrounding environment, monitor for at least a certain period to detect injury or harm to animals that may have ingested the poison, and clean-up measures to restore the area. In such cases, the law should give the State the legal authority to shift these costs to the offender.



H Poisoned baits

Some examples:



CYPRUS

To reduce pressure on the courts, Cyprus introduced “on-the-spot” fines in 2017 for various illegal bird killing (IKB) and hunting offenses. This system allows officers to issue tickets on site. Offenders can either pay a set fine within a short time or choose to go to court for a trial.

SPAIN

If a crime harms the environment or upsets the ecological balance, Spanish law allows courts to make the offender pay for restoring the damage. The court can also order payment for any other actions needed to protect people, wildlife, water, and air quality.

ITALY

The law sets penalties for killing, capturing, or possessing protected species. It includes a table showing different penalties for each offence, such as 1–6 months of detention or a fine of up to €4,000. However, prison sentences are only applied to crimes that carry more than five years of imprisonment.

ISRAEL


Investigators with duties to enforce wildlife and IKB law, have authority to arrest, search, seize objects, and interrogate, equivalent to the authority normally granted to police officers under the Penal Code.

CMS Initiatives on the Prevention of Illegal Taking of Migratory Birds

Tackling illegal killing, taking and trade of migratory birds is challenging and differs by region. Contributing factors include unclear laws, weak enforcement, cultural practices,

poverty, profit motives, and low awareness. Solutions require varied approaches and strong collaboration among stakeholders.

The Convention on Migratory Species adopted in 2014 [Resolution 11.16 \(Rev. COP14\) on The Prevention of Illegal Killing, Taking and Trade of Migratory Birds](#). Based on the mandate of this Resolution, the CMS Secretariat convened the [Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean](#) in 2016, the [Asia Pacific Illegal Taking of Migratory Birds Intergovernmental Task Force \(ITTEA\)](#) in 2023, and the [Task Force for Illegal Taking of Migratory Birds in South-West Asia](#) in 2025.

 Steppe Eagle



Endnotes

- 1 Brochet, et al. (2016) Preliminary assessment of the scope and scale of illegal killing and taking of birds in the Mediterranean, Bird Conservation International, 26:1–28. A study of BirdLife International. <https://www.cambridge.org/core/journals/bird-conservation-international/article/preliminary-assessment-of-the-scope-and-scale-of-illegal-killing-and-taking-of-birds-in-the-mediterranean/34A06A94874DB94BE2BBACC4F96C3B5F>
- 2 MIKT (2022) Legislative Guidance Materials relating to the Illegal Killing, Taking and Trade of Wild Birds. https://www.cms.int/sites/default/files/uploads/cms_mikt5_outcome1_legislative-guidance-ikb_e.pdf
- 3 MIKT (2022) Model Law Provisions on Illegal Killing, Taking and Trade of Wild Birds (IKB). https://www.cms.int/sites/default/files/uploads/cms_mikt5_outcome2_model-law-provisions_e.pdf

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What is CMS?

The Convention on the Conservation of Migratory Species of Wild Animals (CMS) is a legally binding international treaty under the United Nations. CMS is one of the most important global frameworks for wildlife conservation and plays a vital role in addressing the global biodiversity crisis. By fostering international collaboration, supporting research, and developing conservation agreements and actions among the Range States in which these species are found, CMS ensures the long-term survival of migratory species of wild animals and their habitats, and the vital benefits they provide.

Download this brochure



The European Union was 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 - 2028.

