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

(Prepared by the Secretariat)

Summary:

This document reports on the progress to implement Resolution 11.16 (Rev.COP12) *The Prevention of Illegal Killing, Taking and Trade of Migratory Birds (IKB)* and Decisions 12.26-12.28 [Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean \(MIKT\)](#) and 12.29-12.30 [Illegal Hunting, Taking and Trade of Migratory Birds in East Asian- Australasian Flyway](#).

The document includes proposed draft revisions of Resolution 11.16 (Rev.COP12) and of Decisions 12.26-12.30, based on the discussions during the Third Meeting of the Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean, held in May 2019.

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

Background

1. The Conference of the Parties at its 12th meeting (COP12, Manila, 2017), adopted Resolution 11.16 (Rev.COP12) *The Prevention of Illegal Killing, Taking and Trade of Migratory Birds (IKB)* in which it:
 2. *Calls on the Secretariat to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean in conjunction with the Secretariats of 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 African-Eurasian Migratory Landbirds Action Plan (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 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. *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;*
 6. *Calls also on the Secretariat actively to 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;*
 10. *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 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*
 14. *Calls also on the Secretariat to ensure in conjunction with the Secretariats of the EAAFP and the Arctic Migratory Birds Initiative (AMBI) the undertaking and completion, subject to available funding, of a situation analysis on the illegal hunting of migratory birds in South East Asia for reporting to Parties at COP13 by Birdlife International, using comparable methodology to the Birdlife International reviews already undertaken on this issue for the Mediterranean region, the rest of Europe and the Middle East.*
2. COP12 also adopted Decisions that focus on two different geographical areas, along with distinct Task Forces: Decisions 12.26 to 12.28 [Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean \(MIKT\)](#); and Decisions 12.29 and 12.30 [Illegal Hunting, Taking and Trade of Migratory Birds in East Asian- Australasian Flyway](#).
3. Updates on each of the regional initiatives are provided below.

Activities to implement Resolution 11.16 (Rev.COP12) and Decisions 12.26 to 12.30

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

4. COP12 adopted Decisions 12.26 to 12.28 which read as follows:

12.26 Directed to the Parties

Parties which are members of the MIKT are invited to:

- a) *Periodically use the scoreboard in Annex 1 of UNEP/CMS/Resolution 11.16 (Rev.COP12) on Illegal Killing, Taking and Trade of Migratory Birds as a national tool to self-assess progress in addressing the illegal killing of wild birds;*
- b) *Provide, on a voluntary basis and to the extent of availability and relevance of information for the indicators, the Secretariat with the information identified in the scoreboard, for the purposes of discussion within the MIKT, to facilitate information sharing and best practice.*

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

Parties, intergovernmental and non-governmental organizations are encouraged to implement the Programme of Work of MIKT 2016-2020.

12.28 Directed to the Secretariat

The Secretariat shall:

- a) *Compile, in the intersessional period between the 12th and the 13th meeting of the Conference of the Parties, the information duly provided by the Parties under Decision 12.26;*
- b) *Share that information with MIKT members for the purposes outlined in Decision 12.26 in the intersessional period between the 12th and 13th meeting of the Conference of the Parties.*

Operationalization of MIKT

5. MIKT was established in 2014, after COP11 (Quito, 2014). As of August 2019, 21 CMS Parties were Members of MIKT, with three interested Parties and three non-Parties participating as Observers. Thirteen multilateral environmental agreements and networks, and nine non-governmental organizations are also Observers to MIKT.
6. Focal points from MEA Observers to MIKT and independent experts form the MIKT Consultative Group. As established in the [MIKT Modus Operandi](#)¹, the Consultative Group provides advice for the implementation of activities and functioning of the Task Force. The Consultative Group meets by teleconference as and when needed.
7. The work of MIKT is supported by the coordinator, contracted by the CMS Secretariat, who, in line with the mandate of Resolution 11.16 (Rev. COP12), supports implementation of activities in the Mediterranean and promotes efforts to establish dedicated task forces in other regions.

Activities of MIKT

Meetings of the Task Force

8. Since the establishment of MIKT in 2014, three meetings have been held:

¹ https://www.cms.int/sites/default/files/document/unep-cms_mikt3_inf.10_modus-operandi_e.pdf

- a. The [first meeting](#) of MIKT was held in Cairo from 12 to 15 July 2016. The two main outcomes of this meeting were the [Cairo Declaration](#) and the [MIKT Programme of Work 2016-2020](#) (MIKT POW), currently in place.
- b. The [second meeting](#) of MIKT took place from 22 to 23 June 2017, in Sliema, Malta, organized with the Bern Convention as the first Joint Meeting of the CMS MIKT and the Bern Convention Network of Special Focal Points (SFPs) on Eradication of Illegal Killing, Trapping and Trade in Wild Birds. The joint meeting discussed and adopted the [Scoreboard to Assess the Progress in Combating Illegal Killing, Taking and Trade of Wild Birds](#) ('the Scoreboard') to be jointly implemented by the Bern Convention and CMS. The Scoreboard was then adopted as Annex 1 to Resolution 11.16 (Rev. COP12) at CMS COP12.
- c. The [third meeting](#) of MIKT, also organized as a joint meeting with the Bern Convention SFPs, was held in Rome from 8 to 10 May 2019. The main outcome of the meeting was a new guiding document to cover the period 2020-2030, as both the current MIKT POW and the Bern Convention's Tunis Action Plan will conclude in 2020. The Rome Strategic Plan was discussed at the meeting and it was agreed that it would be finalized through rounds of consultations of the MIKT membership and the Bern Convention SFPs through the second semester of 2019.

Workshops and training

9. Under the component 'Legal and Enforcement' of the Programme of Work (POW) of the MIKT a [Workshop for Government Prosecutors on the Illegal Killing, Taking and Trade of Migratory Birds \(IKB\) in the Mediterranean Region](#) was organized in cooperation with the European Network of Prosecutors for the Environment (ENPE) at Valsaín, Segovia, Spain, from 9 to 11 May 2018. The workshop was aimed at investigators, prosecutors and specialists involved in the enforcement of laws combating environmental crimes against migratory birds in Europe and brought together 37 delegates from 17 countries. The training covered research into the size and extent of the problem, the various motives of offenders, the techniques and equipment used in IKB, the expertise and international assistance available, the EU Wildlife Trade (CITES)² Regulations and, most importantly, case studies of significant prosecutions and investigations into IKB from different countries, mainly from the Mediterranean Region. The workshop significantly contributed to Objective 2.5 *Capacity-building along enforcement chain and judiciary*, and Action 2.5.2 *Organize regional and national training seminars on IKB on environmental crime for police officers, inspectors, rangers, prosecutors, judges*, of the [MIKT POW](#).
10. The [report of the workshop](#) was published and circulated by ENPE and the CMS Secretariat and distributed at the ENPE Annual Conference in October 2018. Among the conclusions of the workshop was strong support for intensifying international cooperation beyond the European network. Enforcement was identified as a priority task.
11. As an output of this workshop, a training package is being compiled by ENPE and the Secretariat, for use at the national level, and for possible e-learning activities.
12. In addition, for training sessions organized through a LIFE+ Project, led by the Spanish Ornithological Society (SEO/BirdLife), funding to participate will be offered in 2020 to enforcement authorities of MIKT country members in North Africa, where the scale of illegal killing, taking and trade is the highest.

² CITES the Convention on International Trade in Endangered Species of Fauna and Flora

Outreach and participation and contribution to other meetings and conferences

13. In the reporting period, since June 2017, the MIKT Coordinator has represented the Task Force and contributed to relevant processes on IKB, including:
 - The technical meeting of experts to discuss International Union for Conservation of Nature (IUCN) World Conservation Congress (WCC) Resolution 70, organized by the Environmental Law Centre of the IUCN, in July 2018.
 - The meeting of the *EU roadmap towards eliminating illegal killing, trapping, and trade of birds*, organized by the European Commission in September 2018.
 - The Annual Conference of the European Network of Prosecutors for the Environment (ENPE) *Protecting habitats and endangered species in Europe through tackling environmental crime*.
 - The Arctic Migratory Birds Initiative (AMBI) implementation workshop and the Tenth Meeting of Partners (MOP10) to the East Asian-Australasian Flyway Partnership (EAAFP), where MIKT was showcased as a model that can be applied to the East Asian-Australasian Flyway, according to the mandate of CMS Resolution 11.16 (Rev. COP12).
 - The Flyways Conservation Planning Workshop, organized by BirdLife International, where the Scoreboard was presented as a monitoring tool that could be replicated in other regions beyond the Mediterranean to assess the progress in combating IKB at the national level.
 - The Workshop on Monitoring and Communicating Illegal Killing, Taking and Trade of Migratory Birds (IKB), organized by BirdLife International and BirdLife partners, Euronatur and the MAVA Foundation.
14. The Secretariat collaborated closely with Parties and partners to ensure the contribution of MIKT in relevant discussions and raise the profile of the Task Force. MIKT's work was highlighted at side events at major conferences, including the 13th Meeting of the Conference of the Parties to the Ramsar Convention (Dubai, 2018), the 14th Meeting of the Conference of the Parties to the Convention on Biological Diversity (Sharm El-Sheikh, Egypt, 2018) and the 7th Meeting of the Parties to AEWA (Durban, South Africa, 2018).
15. The Secretariat has used the CMS media channels to disseminate information and updates on the work of MIKT on various media platforms, including daily tweets during meetings via @BonnConvention.
16. The Secretariat is advancing the production of a documentary, as identified by Action 4.3.1 *Design, produce and disseminate a multi-media toolkit on eradication of IKB including a documentary*, under Objective 4.3 *Public Awareness* of the MIKT POW.

Monitoring and collaboration with partners

17. To implement Decisions 12.26 and 12.28, the Scoreboard was launched as an online tool in June 2018 and circulated to MIKT Members and Observers as well as the Bern Convention Network of SFPs. The Secretariats of CMS and the Bern Convention collected the information submitted by countries and other stakeholders. The MIKT Coordinator collaborated closely with the Bern Convention in these tasks and provided support to the consultant elaborating the report of the [first assessment of the Scoreboard](#).
18. The first assessment of the Scoreboard received 30 responses from the 53 countries within the MIKT and Bern Convention geographical scope. The [analysis of the responses](#) shed light on the national monitoring of IKB, national legislation, enforcement responses, prosecution

and sentencing and prevention of IKB as well as the complexities of collecting the requested data.

19. Based on the users' feedback, the CMS Online Reporting System (ORS) [was proposed](#) at the recent [second joint meeting](#) of the CMS MIKT and the Bern Convention SFPs as the online platform to implement the second assessment of the Scoreboard in 2020.
20. Under the [MIKT POW](#) Objective 2.5 *Capacity-building along enforcement chain and judiciary*, collaboration with the Environmental Security Programme (ENS) of INTERPOL, the International Criminal Police Organization, an Observer to MIKT, was envisaged to address the illegal trade of migratory birds in the Mediterranean through various activities related to advocacy, capacity-building, information exchange and law enforcement. Several joint training activities are being considered to take place in 2020.

Facilitation of collaboration, sharing of experience and support to countries

21. To facilitate the collaboration and exchange among Members and Observers of the Task Force, and potential contributions from experts, a section dedicated to the Task Force on IKB has been created under the CMS Scientific Council online Workspace and is moderated by the MIKT Coordinator.
22. Following the European Court of Justice (ECJ) decision regarding trapping in Malta, the Secretariats of CMS and the Bern Convention sent a letter to the Government of Malta in August 2018 offering support to the country to implement the ECJ decision and encouraging the country to continue its zero-tolerance stance towards wildlife crime.

Illegal Hunting, Taking and Trade of Migratory Birds in East Asian-Australasian Flyway (ITTEA)

23. COP12 adopted Decisions 12.29 to 12.30 Illegal Hunting, Taking and Trade of Migratory Birds in East Asian- Australasian Flyway, which read as follows:

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

Parties, intergovernmental and non-governmental organizations are encouraged to support financially:

- a) *The operations of the Intergovernmental Task Force to Address Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway (ITTEA); and*
- b) *Its coordination*

12.30 Directed to the Secretariat

The Secretariat shall, subject to the availability of external resources convene ITTEA in line with the Terms of Reference contained in Annex 2 of UNEP/CMS/Resolution 11.16 (Rev.COP12) on Illegal Killing, Taking and Trade of Migratory Birds.

Operationalization of the Task Force

24. Through [Resolution 11.16 \(Rev.COP12\)](#), COP12 decided 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 adopted its [terms of reference](#).

25. The terms of reference of ITTEA called for collaboration with the EAAFP and indicated that ITTEA would cover all migratory bird taxa as identified by CMS, except waterbirds. Waterbirds would be covered by a task force established by the EAAFP. Both task forces would complement each other to cover all migratory bird species negatively impacted by illegal hunting, taking and trade in the EAA Flyway.
26. In 2017, [Decision 10](#) of the 9th Meeting of the Partners of the EAAFP (Singapore, 2017), following the recommendation of the Conservation of Arctic Flora and Fauna (CAFF), adopted the terms of reference of an Interim Task Force to Address Illegal Hunting, Taking and Trade of Migratory Waterbirds in the EAAF, in line with CMS Resolution 11.16 (Rev.COP12).

Activities

27. The CMS Secretariat has not received to date financial support to convene the ITTEA but has supported the above-mentioned Decisions as reported below.
28. At the 10th Meeting of the Partners of the EAAFP (Changjiang City, China, 2018), the Secretariat supported CAFF and the EAAFP regarding the establishment and first meeting of the Interim Task Force to Address Illegal Hunting, Taking and Trade of Migratory Waterbirds in the EAAF, and used the opportunity to inform and to assess the interest of countries in the region prior to the establishment of the ITTEA membership.
29. The MIKT coordinator showcased the work on IKB in the Mediterranean, best practices, lessons learned and possibilities for replicating in the EAA Flyway. The CMS Secretariat also seized the opportunity to explore the best ways for collaboration between the EAAFP and CMS Task Forces towards the generation of momentum to work against IKB.
30. Bearing in mind a potential future scenario where both task forces will work in consultation, share membership and Chair/Vice-Chair to ensure maximum efficiency, Cambodia and Australia were elected as Chair and Vice-Chair of the EAAFP Task Force, thus ensuring geographical balance and that CMS Parties are best placed to support the Task Force. BirdLife International provided updated information on the analysis of the scale of illegal hunting of migratory birds in South-east Asia, taking place in 2019-2020. The resulting data from this study will be important to define how best CMS can support countries in the region through the activities to be implemented under the ITTEA.
31. As mandated by [Resolution 11.16 \(Rev.COP12\)](#) the CMS Secretariat is maintaining regular communications with EAAFP, CAFF and BirdLife International regarding the currently ongoing analysis on the illegal hunting of migratory birds in South-east Asia conducted by BirdLife International, and offers support as needed. Accordingly, in March 2019, the CMS Secretariat participated in the Flyways Conservation Planning Workshop, organized by BirdLife International, which discussed the status of the ongoing analysis of IKB in South-east Asia and relevant updates on the progress in combatting IKB in the region.

Other activities to implement Resolution 11.16 (Rev.COP12)

32. As requested by Resolution 11.16 (Rev.COP12), IKB has also been addressed as an item in the work plan of the CMS Americas Flyways Framework Task Force (AFFTF), which supports the implementation of the *Action Plan for the Americas Flyways 2018-2023*. The work plan of the AFFTF was finalized in 2019 and includes the analysis of the legal framework of the countries in this region on IKB and a request to BirdLife International, through the CMS Secretariat, to prepare an assessment of IKB in the Americas. The action will be completed building on the latest scientific information, partly already made available by the members of the AFFTF, such as the 2011-2017 Progress Report *Achieving a Sustainable Shorebird Harvest in the Caribbean and Northern South America* and *A Plan to Address the Sustainability of Shorebird Harvest in the Western Atlantic Flyway*, U.S. Fish and Wildlife Service. The

Secretariat has been regularly liaising with the members of the AFFTf and with BirdLife International regarding ongoing and future implementation of regional assessments on IKB. For more details on the activities of the AFFTf, see Document UNEP/CMS/COP13/Doc.26.1.4.

Recommended actions

33. The Conference of the Parties is recommended to:
- a) adopt the draft amendments to Resolution 11.16 (Rev.COP12) contained in Annex 1 of this document;
 - b) adopt the draft Decisions contained in Annex 2 of this document that amend Decisions 12.26 to 12.30.

ANNEX 1

PROPOSED AMENDMENTS TO RESOLUTION 11.16 (Rev.COP12)

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

NB: Proposed new text to the resolution 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 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,

Regretting that illegal killing, taking and trade of migratory birds still represent important factors against the achievement and maintenance of the favorable 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., Spoonbilled Sandpiper *Eurynorhynchus pygmeus*, Yellow-breasted Bunting *Emberiza aureola* and Marsh Seed-eater *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 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 2014/2015 reviews of the scale and extent of illegal killing and taking in the Mediterranean, ~~the current work to extend this review to Northern and Central Europe the Caucasus, and to the Arabian Peninsula, Iran and Iraq, and its~~ development of guidance for monitoring the extent of such illegal activities, updated in 2019.

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 the Conservation 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.

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.

~~*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 hunting³ and unsustainable harvest of migratory waterbirds, and welcoming the establishment of the establish a 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,

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 Target-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” 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 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,

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

1. Commits to adopting 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;

³ 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

2. *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;*
3. *Calls on the Secretariat to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean⁴ 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 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;*
4. *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;*
5. *Notes that experience from the practical use of the scoreboard should be gathered for its potential further development;*
6. *Urges Parties and encourages non-Parties to implement the Rome Strategic Plan 2020-2030 on the eradication of Illegal Killing, Taking and Trade of Wild Birds, as a joint guiding document agreed by the Bern Convention Special Focal Point Network and CMS MIKT to be implemented jointly;*
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 actively to 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;*
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;*

⁴ The Task Force was established after COP11.

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 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 ensure support in conjunction with the Secretariats of the EAAFP and the Arctic Migratory Birds Initiative (AMBI) ~~the undertaking and completion~~, subject to available funding, of the situation analysis on the illegal hunting of migratory birds in South East Asia for reporting to Parties at COP13 started in 2018 by BirdLife International, using comparable methodology to the BirdLife International reviews already undertaken on this issue for the Mediterranean region, the rest of Northern and Central Europe, the Caucasus and the Middle East.

DRAFT DECISIONS

NB: Proposed new text to Decisions originating from COP12 is underlined. Text to be deleted is ~~crossed-out~~.

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

Directed to Parties

13.AA (12.26)

Parties that are members of the MIKT are invited to:

- a) periodically use the scoreboard in Annex 1 of UNEP/CMS/Resolution 11.16 (Rev.COP12) on Illegal Killing, Taking and Trade of Migratory Birds as a national tool to self-assess progress in addressing the illegal killing of wild birds;
- b) provide, on a voluntary basis and to the extent of availability and relevance of information for the indicators, the Secretariat with the information identified in the scoreboard, for the purposes of discussion within the MIKT, to facilitate information sharing and best practice.

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

13.BB (12.27)

Parties, intergovernmental and non-governmental organizations are encouraged to implement the Programme of Work of MIKT 2016- 2020 and the joint Rome Strategic Plan of the Bern Convention and MIKT on the eradication of Illegal Killing, Taking and Trade of Wild Birds 2020-2030 when finalized.

Directed to the Secretariat

13.CC (12.28)

The Secretariat shall:

- a) compile, in the intersessional period between the ~~42~~43¹³~~th~~ and the ~~43~~44¹⁴~~th~~ meeting of the Conference of the Parties, the information duly provided by the Parties under Decision ~~42-26~~43.AA;
- b) share that information with MIKT members for the purposes outlined in Decision ~~42-26~~43.BB in the intersessional period between the ~~42~~43¹³~~th~~ and ~~43~~44¹⁴~~th~~ meeting of the Conference of the Parties.

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

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

13.DD (12.29)

Parties, intergovernmental and non-governmental organizations are encouraged to support financially the operations and coordination of the Intergovernmental Task Force to Address Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway (ITTEA).

Directed to the Secretariat

13.EE (12.30)

The Secretariat shall, subject to the availability of external resources convene ITTEA in line with the terms of reference contained in Annex 2 of UNEP/CMS/Resolution 11.16 (Rev.COP12) on Illegal Killing, Taking and Trade of Migratory Birds.