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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

31st meeting
Strasbourg, 29 November – 2 December 2011

ILLEGAL TRAPPING, KILLING AND TRADE OF BIRDS IN CYPRUS

Updated Report by the NGOs

*Report prepared by
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Nicosia, 15th October 2011

UPDATE FOR THE BERN CONVENTION STANDING COMMITTEE ON ILLEGAL TRAPPING, KILLING AND TRADE OF BIRDS IN CYPRUS

Report by *BirdLife Cyprus* and *Terra Cypria*

With reference to Bern Convention agenda item 5.4.a: *'Illegal taking and trading of Birds in Europe: Larnaca Declaration and Draft Recommendation'* (appended below)

Poor response to promised 'zero tolerance' for trapping in Cyprus

The bird trapping situation in Cyprus in autumn 2011 is shaping into another ecological disaster, despite the political momentum we hoped would be generated by the successful Bern Convention conference on illegal bird killing, in Larnaca, Cyprus in July 2011.

A large-scale raid targeting 'big', organised trappers, led by the Cyprus Police anti-poaching unit in mid-October, has been the only notable heightened response to the trapping situation this autumn, so far. While this operation, which resulted in six arrests, is very welcome and a good first step, the overall picture is disappointing. The operation came late in the season, 'missing' the peak migration period and we had hoped for much more following the promises made by all competent authorities in Cyprus (Cyprus Game Fund, Cyprus Police Anti-poaching Unit and British Sovereign Base Area (SBA) Police) during the Larnaca conference. BirdLife's survey data shows clearly that the 'zero tolerance' promised at the conference has not been translated into a reduction in trapping activity on the ground. However, the opportunity is still there for decisive and determined action, this autumn and winter, against restaurants serving trapped birds (*ambelopoulia*).

Preliminary results from BirdLife's Autumn 2011 systematic field monitoring of trapping activity indicate that *levels of mist net and limestick are as high as last autumn*, when trapping levels were higher than ever recorded in the 10 years of monitoring. Up to mid-October, the average length of active net rides (areas where mist nets are being set) per 1 km² square surveyed is 47 m (in autumn 2010 the average was 54 m). In total numbers, the BirdLife Cyprus team had, by mid-October, found almost 2.5 km of active net rides and 384 limesticks within the survey area¹. Additional opportunistic checks outside the survey area have located another 415 metres of active net rides and another 95 limesticks.

Limesticks have been extensively used this autumn, partly because trappers consider them a 'traditional' practice and partly because competent authorities have shown "leniency" on completely stamping out their use. The netting situation is also alarming. In one incident this autumn, the BirdLife Cyprus team recorded 25 nets set during daytime hours in one survey square (1 km²), an unparalleled number of nets found in a single square since the trapping programme began in 2002. These findings show that trappers are blatant and have little concern about the possibility of prosecution. Many hard-core trappers are now highly organized and even dangerous. And regrettably there have been recent public statements by a senior member of the Cyprus Hunting Federation (KOK), encouraging the 'ambelopoulia' practice.

¹ note that BirdLife does not focus on locating limesticks in its field surveys – other groups, that do look for limesticks specifically, report finding thousands this autumn

Birdlife Cyprus and Terra Cypria call upon the Cyprus and UK governments to meet their promises made during the Larnaca conference. **We call for greater enforcement in the trapping areas, including repeats of ‘hard-hitting’ operations like the one seen in mid-October, for the imposition of deterrent fines for trapping convictions and for determined and persistent action on the restaurants serving the ‘ambelopoulia’, the economic driver for large scale trapping.**

We call on the Standing Committee to play its part (as it has done to great effect in the past) in putting political pressure on the Cyprus and UK governments to adopt the Larnaca declaration and to set the draft recommendations as a priority to tackle this persistent, intractable and fast growing problem at its core. We also call on FACE to invite its members in Cyprus to support this initiative (which involves illegal trapping, not hunting) and to refrain from counter-productive statements. Hundreds of thousands of migrant (and other) birds – including many threatened species – are still being killed for profit in Cyprus.

LARNACA DECLARATION

The European Conference on Illegal Killing of Birds, co-organised by the Council of Europe and the Game Fund of Cyprus (Ministry of Interior) in the framework of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979), was held in Larnaca, Cyprus from 6 to 8 July 2011. The event was attended by 100 participants representing various stakeholders, including Contracting Parties and Observers to the Bern Convention, international organizations, national and local authorities, enforcement agencies, nature conservation NGOs including hunting associations, scientific and research bodies, tourism industry, police authorities and mass-media.

Recognising that many birds species in Europe and worldwide are declining rapidly and that, for this reason, governments have adopted various measures to help birds, the Conference participants agreed that measures to tackle illegal killing are urgently required.

Despite efforts by many governmental authorities, illegal taking and trading in wild birds is still a serious pan-European problem with clear regional patterns, having a considerable negative impact on biodiversity across the continent. In some European countries, the driver for such activities is mainly direct or indirect financial profit for individuals or organised crime, generating illegal (untaxed) benefits not related to basic survival needs. Considering the multiple dimensions of illegal killing, trapping and trading of birds in Europe, such as the ecological/environmental, legal, economic, social and political aspects, a combination of measures, policies and strategies is necessary to solve the problem. These measures should sensitively combine law enforcement (including advocacy and judicial processes, effective investigative agencies, exemplary punishment and adequate court judgments), education and awareness of the general public and of specific target groups (eg: hunters, farmers, children and youth, etc.) and securing political support mostly by strengthening the operational capacity of law enforcement agencies or bodies.

The participants in the European Conference on Illegal Killing of Birds call therefore on responsible stakeholders, governments, local communities, law enforcement agencies, nature conservation NGOs including hunting associations to unequivocally condemn all forms of illegal taking and trading in wild birds, and to pledge a zero tolerance approach to illegal killing, and a full and proactive role in fighting against this illegal activity, which represents a serious threat to biodiversity, damaging nature as well as human society. More detailed recommendations will be submitted to the 31st meeting of the Standing Committee to the Bern Convention to be held in Strasbourg on 29 November – 2 December 2011 for possible adoption.

They include, inter alia: i. The need to strengthen enforcement at each stage of the bird crime chain through appropriate targeting, scientific and technical support and cooperation ; ii. The need to recognize the significance of the illegal taking and trade of birds as a risk to the achievement and maintenance of favorable status of bird populations and a damage to the conservation actions undertaken by the Parties with adverse impacts on the conservation, legal hunting, agriculture and tourism sectors; and iii. The need to develop, finance and support national communication strategies promoting dialogue between relevant stakeholders and the wider public.

At the same time, the participants in the Larnaca Conference express their warm thanks to the Cyprus authorities for their generous hospitality.

Done in Larnaca, Cyprus, 7th July 2011



Convention on the Conservation of
European Wildlife and Natural Habitats

Draft Recommendation No. (2011) of the Standing Committee, adopted on ... December 2011 on the

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention;

Having regard to the aims of the Convention to conserve wild fauna and its natural habitats;

Recalling that Article 1, paragraph 2 of the Convention requires Parties to give particular emphasis to the conservation of endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 6 compels Parties to take the necessary and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II, prohibiting in particular all forms of deliberate capture and keeping, and deliberate killing, as well as the possession and internal trade in these animals, alive or dead;

Recalling its Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds, which encouraged Parties to ensure the prosecution of persons illegally catching or killing birds or establishments commercialising live or protected birds;

Further recalling its Recommendation No. 90 (2001) on the catching, killing or trading of protected birds in Cyprus, which encouraged Cyprus to properly implement the actions suggested in Recommendation No. 5 (1986);

Noting with satisfaction that since the recommendations were adopted by the Standing Committee, most Parties have adopted national legislations prosecuting persons illegally catching, killing or trading in wild birds;

Regretting that despite growing efforts by competent authority's compliance with international obligations and enforcement of legislation are still weak and not always accompanied by appropriate sanctions;

Recognising and regretting that illegal killing, trapping and trade of birds is still carried out, and that in some Parties these are a growing phenomenon, sometimes involving other transversal questions like the transit of the killed and captured birds through third countries;

Bearing in mind the difficulties to identify the illegally killed species and to prove the crimes before the Courts, to achieve the effective prosecution of the authors;

Bearing in mind the European Charter on Hunting and Biodiversity (document T-PVS (2007) 7 revised), adopted by the Standing Committee to the Bern Convention on 29 November 2007, and particularly its Principles No. 2 – Ensure that regulations are understandable and respected; No. 3 – Ensure that harvest is ecologically sustainable; No. 8 – Empower local stakeholders and hold them accountable; and No. 11 - Encourage cooperation between all stakeholders in management of harvested species, associated species and their habitats;

Regretting the negative conservation impact resulted from the indiscriminate killing and trapping of birds by using prohibited means and methods of killing, capture and other forms of exploitation, listed in ANNEXE IV of the Convention;

Welcoming and bearing in mind the Strategic Plan of the Convention on Biological Diversity 2011-2020, and its Aichi targets;

Recalling the EU Biodiversity Strategy to 2020 (COM (2011) 244 final) and, in particular, its target 1 “Fully implement the Birds and Habitats Directives”;

Recalling the provisions of the Birds Directive on the Conservation of Wild Birds (2009/147/EC), in particular, its Articles 2 (objectives), 5 (general system of protection of all bird species), 6 (prohibition of trade), 7 (hunting), 8 (prohibited methods of capture or killing) and 9 (derogations from articles 5, 6, 7 and 8);

Recalling that Contracting Parties to the African Eurasian Migratory Waterbird Agreement (AEWA) shall ensure that any use of migratory waterbirds is sustainable for the species as well as for the ecological systems that support them and also develop and implement measures to reduce and, as far as possible, eliminate illegal taking and the use of poisoned baits, and prohibit the possession or utilisation of, and trade in, birds and eggs which have been taken in contravention of any laid down prohibition;

Recalling also that the Action Plan of the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia, under the Convention on Migratory Species (CMS), has identified as a priority action the protection of the Memorandum of Understanding species from unlawful killing, including poisoning, shooting, persecution, and unsustainable exploitation;

Further recalling that under CMS Scientific Council has been proposed the development of a Memorandum of Understanding for the conservation of African-Eurasian migratory landbirds;

Recalling that the promotion of cultures and traditions, as well as of a European identity based on shared values should be respectful of human and fundamental rights;

Recognising that effective measures to secure compliance with obligations need to include actions aimed at education, changes in social attitudes and awareness campaigns;

Recognising that the need for improved knowledge should not in any way delay the undertaking of urgent measures in response to the growing problem with illegal bird killing and taking reported by several contracting parties;

Recommends Contracting Parties to the Convention and invite Observers to:

1. General

a. Develop and support national communication strategies, promoting dialogue between all relevant interest groups, and noting traditions, cultures and values. These strategies should be based on the following principles: (i.) this is about illegal killing of birds, not legal hunting; (ii.) zero tolerance of illegal killing of birds; (iii.) recognition of legal hunting.

2. Legal aspects

- a. Consider birds as a European heritage and a valuable resource, thus applying a zero tolerance approach to illegal killing, trapping and trading in wild birds to support a shift of culture and promote active stewardship ;
- b. Strengthen the enforcement at each stage of the bird-crime chain through appropriate targeting, scientific and technical support and cooperation, and include a concerted focus on end-users;
- c. Promote partnership and coordination between government agencies and stakeholders so as to streamline enforcement at the local, national and international level, and target awareness raising.

3. *Biological aspects*

- a.* Improve the knowledge-base needed to support the solutions to the problem of illegal taking and trapping of birds such as, in terms of priorities, a European bird migration atlas for the better knowledge of flyways of species and populations, seasonality of movements and connectivity among key areas for migratory birds;
- b.* Establish systematic monitoring and reporting systems for illegal activities using standardised methods for data collection, covering the major taxonomic groups, providing for common reporting format and taking into account population flyways;
- c.* Undertake prioritised actions in hotspots of bird concentration and illegal killing activities in order to facilitate best practice approach across countries along flyways. The break down of the links between the demand for birds and the supply through illegal activities should be dealt with priority by the relevant countries and institutions;
- d.* Ensure the effective management of protected areas with the aim of maintaining and improving the connectivity of habitats in the wider landscapes thus ensuring the functionality of flyways;
- e.* To take forward the issue of poisoning of migratory species in a global context including lead poisoning, to CMS relevant Conferences of Parties.

3. *Social / Cultural / Educational aspects:*

- a.* Strengthen the capacity, budget and competencies of the relevant enforcement and judicial authorities to effectively prevent and punish wildlife crimes;
- c.* Adapt judicial systems by the creation of special units of judges and prosecutors, provided with specialist training on wildlife crime, and ensure all relevant cases are assigned to them.