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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

31st meeting
Strasbourg, 29 November - 2 December 2011

**RECOMMENDATION
ON THE ILLEGAL KILLING, TRAPPING
AND TRADE OF WILD BIRDS**

*Document
prepared by
the Directorate of Culture and Cultural and Natural Heritage*

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Convention on the Conservation of
European Wildlife and Natural Habitats

Recommendation No. 155 (2011) of the Standing Committee, adopted on 2 December 2011 on the illegal killing, trapping and trade of wild birds

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 under Article 1, paragraph 2, which sets out the aims of the Convention, particular emphasis is to be given to the conservation of endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 6 requires 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 these recommendations were adopted by the Standing Committee, most Parties have adopted national legislation providing for the prosecution of persons illegally catching, killing or trading in wild birds;

Regretting that despite growing efforts by competent authorities, enforcement of domestic legislation intended to meet international obligations is weak and not always accompanied by appropriate sanctions;

Recognising and regretting that illegal killing, trapping and trade in wild birds is still carried out, and that in some Parties these are a growing phenomena, sometimes involving other related issues, such as the transit of the killed and captured birds through third countries;

Bearing in mind the difficulties in identifying the illegally killed or captured species and proving the crimes before the Courts, in order to achieve the effective prosecution of offenders;

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 that results from the indiscriminate killing and trapping of birds, including by using prohibited means and methods of killing, capture and other forms of exploitation, listed in Appendix 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) and, in particular, its target 1 “Fully implement the Birds and Habitats Directives”;

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 (art. III. 2b), shall develop and implement measures to reduce and, as far as possible eliminate, 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 the prohibitions laid down pursuant to this agreement (art. II. 1 together with the Action Plan);

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 species covered by the Memorandum of Understanding from unlawful killing, including poisoning, shooting, persecution, and unsustainable exploitation;

Further recalling that the CMS Conference of the Parties urged Parties to develop an Action Plan for the Conservation of African-Eurasian migratory land birds;

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, and take into account ethical aspects;

Recognising that effective measures to secure compliance with international 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 of illegal wild bird killing, trapping and trade 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 cultural sensitivities. These strategies should be aimed to the conservation of bird population and based on the following principles: (i.) this is about illegal killing of birds, not legal hunting; (ii.) zero tolerance of illegal killing of wild birds; (iii.) recognition of legal hunting and sustainable use.

2. Enforcement aspects

a. Consider birds as a European heritage and a valuable resource, thus applying a zero tolerance approach to illegal killing, trapping and trade of wild birds to support a shift of culture towards shared values respectful of nature, and promote active stewardship;

b. Strengthen the enforcement at each stage of the bird-crime chain through appropriate political, judicial, operational, 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. Taking into account that scientific knowledge can never be complete and this should not be an impediment to taking action, nevertheless every effort should be made to improve knowledge needed to support the solutions to the problem of illegal killing, trapping and trade 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.* In cooperation between the stakeholders, to establish systematic monitoring and reporting systems for illegal activities using standardised methods for data collection, 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 a best practice approach in countries along flyways. The breakdown of the links between the demand for wild birds and the supply through illegal activities should be dealt with as a 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.* Take forward the issue of poisoning of migratory species in a global context to Conferences or Meetings of Parties of CMS and respective agreements.

4. ***Institutional aspects:***

- a.* Strengthen the capacity, human resources, competencies and the level of cooperation between the relevant enforcement and judicial authorities, as well as make the best use of available budgetary resources to effectively prevent and punish wildlife/bird crimes;
- b.* Where internal judicial processes allow, encourage the creation of special units of judges and prosecutors, provided with specialist training on combating wildlife/bird crime, and ensure all relevant cases are assigned to them.