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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
28th meeting

Strasbourg, 24-27 November 2008

**Information note from the Secretariat
on the issue of illegal killing of birds
in Mediterranean Parties**

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

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Illegal killing of birds in Mediterranean Parties

– Information note from the Secretariat–

Introduction

The issues of the illegal killing of birds in Cyprus and more widely, the illegal capture of birds in Mediterranean Parties, were discussed at the Standing Committee meeting in November 2007, at the initiative of some Contracting Parties. The Standing Committee considered that trapping should be examined on a pan-Mediterranean basis, and decided to revisit its Recommendation No. 5 (1986) “on the prosecution of persons illegally catching, killing or trading in protected birds” (see appendix I). The Standing Committee agreed to ask BirdLife and concerned states to send reports, to consult with the Chair of the Group of Experts on the Conservation of Birds, and to request the Bureau to decide on future action.

Actions undertaken in 2008:

1. The Secretariat wrote to relevant Parties in January 2008 asking them for reports on their implementation of Recommendation No. 5 (1986) “on the prosecution of persons illegally catching, killing or trading in protected birds” and Recommendation No. 90 (2001) on “the catching, killing or trading of protected birds in Cyprus”. At the Bureau meeting in March 2008, the Secretariat informed that no reply had been received from the Cyprus government and that only Turkey had sent a brief reply to the call for reports concerning the 1986 Standing Committee Recommendation. The Bureau members also received copies of the comments sent by Birdlife International and Terra Cypria.
2. The Bureau asked the Secretariat to write to relevant Contracting Parties again (including questions about the age of the populations who catch the birds, the income that this activity generates, and the costs of monitoring) and prepare a report for the September meeting. The Bureau agreed to discuss this issue at its meeting in September 2008 and decide the message to be sent to the Standing Committee on this issue.
3. By the end of August 2008, only BirdLife International and Morocco had sent replies to the Secretariat (letters were sent to Cyprus, Greece, Italy, Malta, Morocco and Turkey).
4. At the Bureau meeting in March 2008, the Secretariat informed that no reply had been received from Cyprus on Recommendation 5 (1986) and that only Turkey had sent a brief reply to the call for reports concerning Recommendation 90 (2000). Bureau members received copies of the comments sent by Birdlife International and Terra Cypria. The Bureau asked the Secretariat to write to relevant Parties again and prepare a report for the September meeting.
5. At the Bureau meeting in September 2008, the Secretariat presented this information note on the implementation of Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds, targetting Mediterranean Parties. The Bureau took note of the lack of response from a number of Contracting Parties contacted and the incomplete information on which to base a decision. It requested the Secretariat to write again to the government of Cyprus, to include this issue in the agenda of the Standing Committee meeting, and to submit this information note to the Standing Committee.
6. No new information has been received in the Secretariat since the Bureau meeting in September 2008.

Summary of information received:

Information received from Governments:

- Turkey: In March 2008, the Turkish government reported that all activities relevant to wild birds are managed through the Decisions of the Central Hunting Commission, a legally binding document

including annexes with lists of species legally protected. Annex I and Annex II include bird species where hunting is not allowed, while Annex III species are allowed to be hunted only for a fixed period specific to the species and the region/province where hunting takes place. This period is revised each year and there is also a maximum individual limit of hunting allowed for each species. Hunting of Annex III species is forbidden in certain regions and areas, as well as in all protected sites.

- Morocco: The Moroccan government informed the Secretariat that the implementation of Recommendation No. 5 (1986) is carried out in accordance with the national legislation on hunting, which is enforced by the country's High Commission on Water, Forests and Fight against Desertification. The national hunting law established the prohibition of hunting and capturing protected species. In addition, they have prepared a draft law on trade of wild flora and fauna species in line with recommendations from the CITES Convention, to provide a harmonised legal framework to protected species. The Moroccan authorities informed that they do not have information available on the questions asked regarding the age of those carrying out illegal bird trapping activities, nor the income they can generate or the estimated cost of measures to control such activities.

Information received from NGOs:

- Malta: BirdLife reported on illegal hunting and trapping incidents information received from Birdlife Malta and relating to 2007. This included 81 protected birds with gunshot injuries (the three most common species being the Common kestrel (*Falco tinnunculus*), Marsh harrier (*Circus aeruginosus*) and Honey buzzard (*Pernis apivorus*). A total of 741 illegal hunting and trapping incidents were recorded by Birdlife Malta in 2007 (including 571 illegal hunting incidents involving 39 protected species; 21 illegal trapping incidents; and 149 illegal electronic lures). The report also referred to the widespread illegal hunting, with protected birds killed in 48 locations and illegal hunting incidents recorded in 84 locations. The information received concluded that it is evident that the police units responsible to deal with this incidents are heavily under-resourced both in terms of manpower and equipment.

In April 2008, the European Court of Justice ruled against Malta's 2008 spring bird hunting season. A final judgement is expected in 2009.

- Cyprus: BirdLife International reported that 2007-2008 was their seventh successive year of systematic field monitoring of illegal bird trapping in Cyprus, during the spring and autumn migration seasons, while it was the first time that monitoring was extended into the winter season. During the winter of 2007-2008 and spring of 2008, the sharp increase in netting activity detected during the 2007 migration seasons was maintained.

For the 12 months up to the end of the spring 2008 trapping, an estimated 1,054,000 birds were illegally trapped. BirdLife Cyprus informed that trapped songbirds are widely available in local restaurants, thus providing the financial incentive for trappers to continue their illegal practice. On the other hand, Cyprus authorities that continue to pursue trappers still lack the political backing for a crackdown on restaurants. Birdlife reported that illegal bird trapping in Cyprus is an indiscriminate practice that threatens some 43 bird species of conservation priority for Europe.

BirdLife International argues that due to the continued increased trapping rates, it is time for the Standing Committee to open a case file on this case (against Cyprus and the UK) so as to put the necessary international pressure on Cyprus to crack down on the restaurants. The NGO considers that without this action, it is unlikely to make further significant headway on reducing trapping rates. They also argue that such a move is likely to be effective given the particular sensitivity Cyprus tends to show to international opinion.

Recommendation No. 5 (1986) of the Standing Committee on the prosecution of persons illegally catching, killing or trading in protected 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 flora and fauna and their natural habitats;

Having regard to Recommendation N° R (85) 17 of the Committee of Ministers of the Council of Europe on the training of hunters;

Recalling that Article 2 provides that each Contracting Party shall take the requisite measures to maintain the population of wild flora and fauna;

Considering that illegal hunting and catching of wild birds are still common phenomena in certain countries in Europe;

Considering the importance of the preservation of wild birds in the maintenance of the natural balance of ecosystems and their beneficial effects, especially on agriculture;

Conscious of the need to preserve wild birds for present and future generations for their scientific, aesthetic, cultural and educational value.

Recommends that the Contracting Parties to the convention:

1. ensure without delay, by the appropriate legal and administrative measures, the prosecution of persons illegally catching or killing birds or establishments commercialising live or dead protected birds;
2. ensure without delay, by the appropriate legal and administrative measures, the promotion of education of hunters and the general public and the dissemination of information on the need to conserve wild birds and their habitats.

Recommendation No. 90 (2001) of the Standing Committee on the catching, killing or trading of protected birds in Cyprus

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;

Noting with satisfaction that since that recommendation was adopted by the Committee, many Parties took decisive measures to eradicate the illegal killing and trading of birds, resulting in a much more effective enforcement of the provisions of the Convention;

Noting with regret that, although Cyprus and the United Kingdom Sovereign Base Areas took some initiatives in that respect, enforcement of the legislation on killing and trading of protected birds is still poor, and sale and offering for sale of protected birds is still common,

Recommends Cyprus and the United Kingdom to:

1. fully implement without delay the obligations of Article 6 concerning protected birds;
2. put into practise, as a matter of urgency, the actions suggested in Recommendation No. 5 (1986) of the Standing Committee, paying particular attention to the following items:
 - increase of the penalties for these offences, so that they may become dissuasive;
 - increase of wardening in areas where birds are illegally caught;
 - regular and frequent control of restaurants selling protected birds, ensuring prosecution of owners;
 - prevention of importation of mistnets and prohibition of their possession without license, imposing heavy fines for their illegal possession and use;
 - strict control of illegal capture, killing, possession, trade, sale and offering for sale of protected birds;
3. launch a wide information campaign to the general public on the illegal catching, killing and trade of protected birds, as well as on the need to conserve birds and their habitats.
