



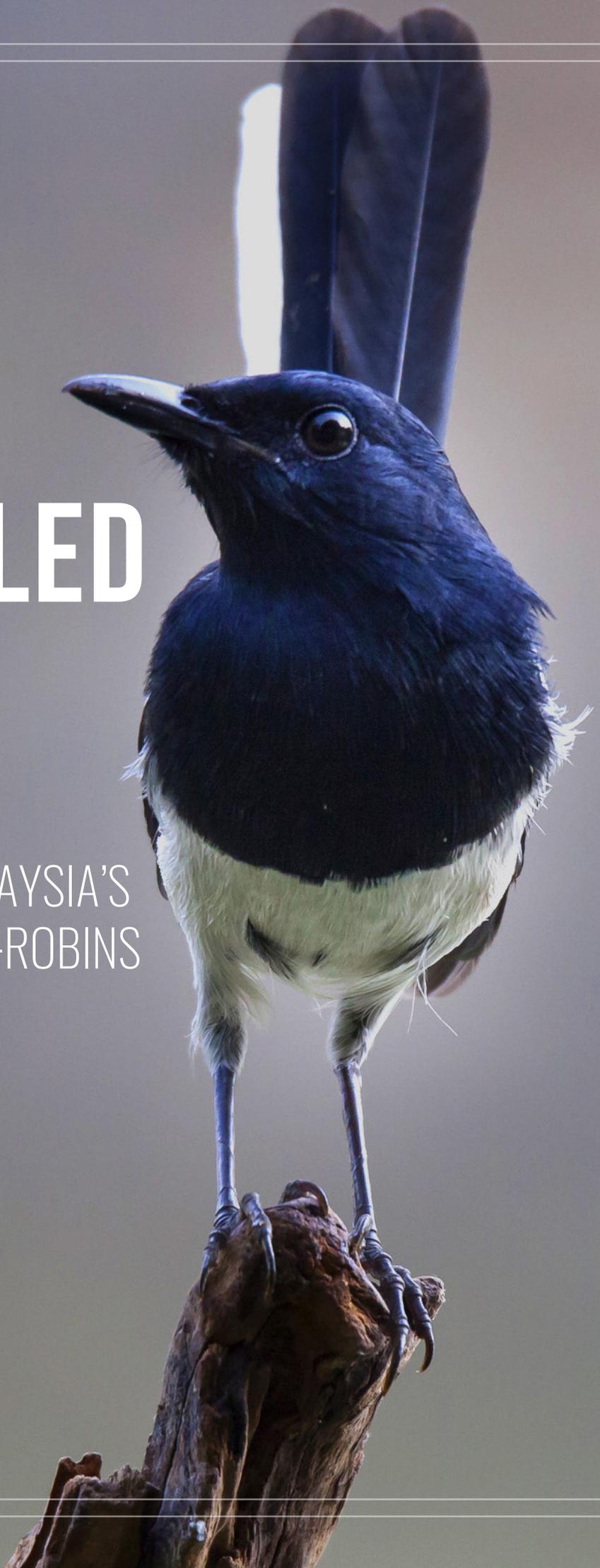
**TRAFFIC**  
the wildlife trade monitoring network

March 2021

# SMUGGLED FOR ITS SONG

THE TRADE IN MALAYSIA'S  
ORIENTAL MAGPIE-ROBINS

*Serene C.L. Chng  
Salman Saaban  
Anongrakh Wechit  
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# SMUGGLED FOR ITS SONG THE TRADE IN MALAYSIA'S ORIENTAL MAGPIE-ROBINS

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## Wildlife Reserves Singapore Group



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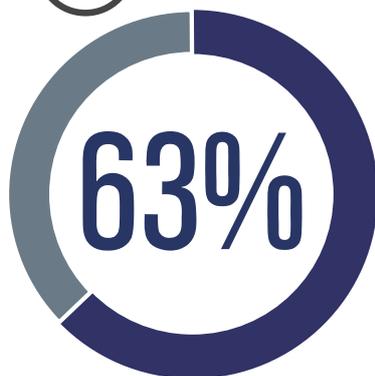


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# 26,950 BIRDS SEIZED

Jan 2015

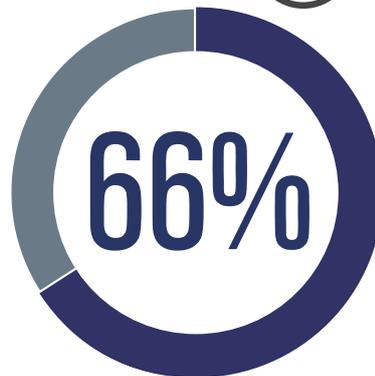
Dec 2020



intercepted in Peninsular Malaysia, 3% in Sarawak



smuggled from Malaysia to Indonesia



seized in 2020



## 17,314 BIRDS



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**26,950 BIRDS**  
**44 INCIDENTS**  
DURING JAN 2015–DEC 2020

# KEY FINDINGS

Although the Oriental Magpie-robin *Copsychus saularis* is still a commonly seen species in many parts of Malaysia, high demand for it as a cage bird domestically and in neighbouring countries has resulted in trapping and smuggling of Malaysian populations. Analysis of seizure data for this species, as it implicated Malaysia, shows an escalation of international trafficking in recent years to feed the persistent demand for the pet trade.

Overall, at least 26,950 Oriental Magpie-robins were seized from 44 incidents that implicated Malaysia from January 2015–December 2020, averaging at least 613 birds per seizure. These seizures took place in Indonesia, Malaysia and Singapore. Of these, Malaysian and Indonesian authorities definitively reported that 17,314 (64%) birds were being smuggled from Malaysia to Indonesia. This points to Malaysian populations of the Oriental Magpie-robin being increasingly targeted to feed demand in neighbouring

countries, particularly Indonesia. At least 17,736 (66%) of all birds were confiscated in just 2020, signifying a current and possibly growing problem. This could be due to an increase in enforcement effort, coupled with dwindling populations in parts of Indonesia to supply birds for trade.

A total of 23 seizures occurred in Malaysia, all were confined to the states of Johor, Melaka, Sarawak and Sabah involving a total of 17,997 birds. Most incidents in the first three states pointed to cross-border smuggling (the case in Sabah was a confiscation on premises). In eight of the Malaysian seizures, where birds were being trafficked to Indonesia, at least 16 Indonesian nationals were arrested, strongly suggesting networks of smugglers moving birds between the two countries. Many of these were reported to be illegal immigrants, indicating an additional national security concern.

# SEIZURES TOOK PLACE IN INDONESIA, MALAYSIA AND SINGAPORE

Online trade monitoring by TRAFFIC also shows that the species is popularly sought after in Malaysia. In two rapid assessment surveys of all wildlife pet trade on a popular local e-commerce site, Mudah.my, the Oriental Magpie-robin, was the 2<sup>nd</sup> most numerous animal recorded in 2018 and 2020. A separate rapid assessment of live wildlife pet trade on Facebook groups in 2019 also found that it was the 9<sup>th</sup> most numerous animal recorded.

Currently, the species is not on any of the country's protected species lists except *Sabah's Wildlife Conservation Enactment 1997*. This means that insufficient regulation is in place for a species facing decline in parts of its range and frequently trapped and traded illegally to feed both local and international demand. Therefore, a more effective step-wise approach to better regulate the current situation should be introduced across Malaysia, beginning with the listing of this species as Protected under the wildlife laws of Peninsular Malaysia and the Federal Territories (*Wildlife Conservation Act 2010*) and Sarawak (*Wild Life Protection Ordinance 1998*). This will enable trade to be regulated through a licensing system more harmoniously across the country and enhance ongoing law enforcement efforts. Additionally, listing the species as protected could provide income generation for the government through licensing fees.

The data provides strong evidence of smuggling from Peninsular Malaysia to Sumatra particularly by sea across the Singapore Strait from the southeast Johor coast to the Riau Islands, and from Sarawak overland to Kalimantan. Co-ordination and collaboration to investigate and disrupt trafficking chains from source to market is critical, especially between Malaysian and

Indonesian authorities. More robust information about the levels of legal and illegal trade can help shape future management interventions, including any international regulations, such as a listing on Appendix III of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), that would allow for more transparent and holistic regulation of international trade.



**“17,736 (66%)  
OF THE BIRDS  
WERE  
CONFISCATED IN  
2020 ALONE”**

# BACKGROUND & INTRODUCTION

The Oriental Magpie-robin *Copsychus saularis* is a widely-distributed species, found across most of Asia. The species is considered to be widespread across Malaysia, but there have been no recent population estimates for the country. Although listed as Least Concern on the IUCN Red List of Threatened Species due to its wide global range and current stable global population (BirdLife International, 2017), the species has been flagged by the IUCN Asian Songbird Trade Specialist Group as one of the priority species threatened by the songbird trade (Lee *et al.*, 2015) due to high demand for the species. In Java, the species was previously common and abundant, but uncontrolled trapping resulted in it becoming scarce and even in severe decline (Mittermeier *et al.*, 2014; Eaton *et al.*, 2017).

Oriental Magpie-robins are one of the songbirds popular with bird keeping hobbyists and in singing competitions, especially in the Sundaland region (Lee *et al.*, 2015; Eaton *et al.*, 2017; Rentschlar *et al.*, 2020). Although not as highly-prized as some other species like White-rumped Shama *Kittacincla malabarica* or Straw-headed Bulbul *Pycnonotus zeylanicus*, it is still a very popular cage bird, traded both legally and illegally (TRAFFIC, 2018; Rentschlar *et al.*, 2020), including in Malaysia and neighbouring countries. In Singapore, pet shop surveys recorded species

of the race *Copsychus saularis adamsi* that is restricted to Sabah, Malaysia, indicating that it must have been sourced from there (Eaton *et al.*, 2017).

The species is not listed as a protected species in Indonesia (P.106/MENLHK/SETJEN/KUM.1/12/2018), meaning it can be legally trapped and traded within quotas. Quarantine as well as transport permits are required to move the birds from one area to another. Transporting birds without the necessary permits makes it a smuggling attempt, warranting seizure by authorities. Enforcement effort in Indonesia between 2016–2020 shows that at least 12,638 Oriental Magpie-robins were confiscated from at least 47 incidents<sup>1</sup> (TRAFFIC data). TRAFFIC’s market surveys of birds in Indonesia also found that it is within the top species recorded in terms of volume (Table 1).

In recent times, there has been a notable rise in the number of media alerts concerning the smuggling of this species that implicated Malaysia. To understand better the prevalence of trends involving this species, a rapid assessment on trade and seizures involving Malaysia was conducted.

Table 1: Number of Oriental Magpie-robins recorded in TRAFFIC bird market surveys in Indonesia

Location	Year	Number of birds	Ranking / total number of species	Reference
Jakarta	2014	583	9/206	Chng <i>et al.</i> , 2015
Yogyakarta, Malang and Surabaya	2015	157	23/241	Chng and Eaton, 2016
Bandung	2016	44	17/154	Chng <i>et al.</i> , 2016
Jambi, Medan, Palembang and Pekanbaru	2017	82	11/130	Chng <i>et al.</i> , 2018a
Denpasar, Bali	2017	119	9/130	Chng <i>et al.</i> , 2018a
Denpasar, Bali	2018	62	19/144	Chng <i>et al.</i> , 2018a
Jakarta	2019	415	9/242	TRAFFIC unpub. data

<sup>1</sup> This refers to all incidents involving Oriental Magpie-robins in Indonesia, including those implicating Malaysia.

# LEGAL INSTRUMENTS

Malaysia's terrestrial wildlife is governed separately under three primary jurisdictions of i) Peninsular Malaysia and the Federal Territories, ii) Sabah and iii) Sarawak, each with its own wildlife legislations. The Oriental Magpie-robin is currently not listed on any of the schedules under the **Wildlife Conservation Act 2010** (WCA, Peninsular Malaysia and Federal Territories) or the **Wild Life Protection Ordinance 1998** (WLPO, Sarawak). However, under Section 37 of the WLPO 1998 it is an offence to possess any species of wild animal without a licence.

The species is listed as a protected species under Schedule 2 Part 1 of the **Wildlife Conservation Enactment 1997** (2016 amendment) (WCE, Sabah), where limited hunting and collection is allowed with a licence, and possession is allowed only with a permit. Depending on the nature of the violation under the Enactment - for hunting without a licence, illegal possession, or unauthorised movement in and out of the state - penalties range from MYR30,000–MYR 100,000 (USD7,500–USD25,000) and/or imprisonment between six months–five years. A minimum fine of MYR50,000 (USD12,500) applies for anyone found guilty for hunting without a licence.

Under the WLPO 1998 Section 35 and WCE 1997 Section 78, commercial captive breeding of any wildlife including non-protected species such as the Oriental Magpie-robin, requires a permit or licence. Additionally, Rule 22 under the **Wildlife Protection Rules 1998** (WPR, Sarawak) prohibits the sale of animals taken from the wild or their immediate offspring (F1 generation) by any commercial wildlife farm. No permits have so far been issued for the commercial breeding of the species in Peninsular Malaysia, Sabah or Sarawak.

All wildlife, including non-protected species, are also regulated by the **Malaysian Quarantine and Inspection Act 2011** (Amended 2016). This includes the movement of animals between Peninsular Malaysia, Sabah and Sarawak (considered as import and export), which must be accompanied with a permit, licence or certificate issued by the Quarantine and

Inspection Department. Anyone in contravention of this requirement is liable to a maximum fine of MYR100,000 (USD25,000) or to imprisonment for a term of up to six years, or both. The Act also provides penalties for a second or subsequent offence, with fines up to MYR150,000 (USD37,500) or to imprisonment for a term of up to seven years, or both.

Another legislation that is rarely utilized for wildlife crimes is the **Animals Act 1953 (Amendment 2006)**, applicable to Peninsular Malaysia. This Act is focused on preventing the introduction and spreading of diseases, and to control movement, within and from Peninsular Malaysia. Section 6 prohibits the import of any animal or bird without a valid licence under the **Malaysian Quarantine and Inspection Act 2011**, and carries a penalty of MYR5,000 (USD1,250) or imprisonment to a term of two years, or both. Section 14 similarly prohibits exports without licences, and any violations carry a fine of MYR500 (USD125) or imprisonment for a term of six months, or both. Section 8 of the Act prohibits any animal or bird arriving in Peninsular Malaysia to be landed or removed from a conveyance, unless it is accompanied by a permit from the Department of Veterinary Services. Any Port Officer has the mandate to enforce this, and anyone who allows this without a permit is liable to a penalty of MYR200 (USD50). A veterinary, quarantine or police officer has powers to search, seize and arrest under this Act.

Similarly, the **Animals Ordinance Sabah, 1962** is applied to prevent the introduction and spread of diseases and to control the movement of animals within and from Sabah. Section 4 prohibits the import of any animal or bird without a valid licence and carries a penalty of MYR2,000 (USD500) and imprisonment of two years, or both. Section 12 prohibits exports without licences, and any violations carry a fine of MYR1,000 (USD250) or imprisonment of six months, or both. Section 6 of the Act prohibits any animal or bird arriving in Sabah to be landed or removed from a conveyance, unless it is accompanied by a permit from the Department of Veterinary. A violation of this carries a fine of MYR1,000 (USD250). In Sarawak, this is governed under the **Veterinary**

**Public Health Ordinance 1999.** A fine of up to MYR50,000 (USD12,500) or imprisonment of up to two years, or both applies for an import violation, while fines for an export violation carries a fine of up to MYR5,000 (USD1,250) or imprisonment of up to six months, or both.

As the species is not currently listed in any of the CITES Appendices, it is not listed under the *International Trade in Endangered Species Act 2008*, Malaysia's CITES-implementing legislation. Decisions taken at the 18<sup>th</sup> CITES Conference of Parties (CoP18) relating to Asian songbirds (Decisions 18.256–18.259), calling for more effort to understand the scale and scope of the international trade in songbirds, may provide international regulatory instruments in the future.



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## METHODS

### ONLINE TRADE

Online trade monitoring studies were carried out to assess levels of domestic trade in the species in Malaysia. An assessment of live birds, mammals and reptiles sold across Malaysia on Mudah.my, a popular e-commerce site, was carried out over 21 days between 28th June and 27th July 2018 (TRAFFIC, unpub. data). A follow-up assessment was carried out on Mudah.my between 20th April and 20th May 2020 using the same methodology. Separately, the activity of 40 Facebook groups based in Malaysia where wildlife trade was actively taking place were monitored for 2 hours daily including weekends from 1st October to 31st December 2019. All posts where wildlife was offered for sale were documented (TRAFFIC, unpub. data). To minimise duplication and avoid any inflation of research numbers, every post was reviewed. This included any post that appeared on different dates but appeared to involve the same items. Duplicate posts and pictures were eliminated from consideration and therefore the results here represent minimum numbers and may be an underestimation of actual online availability.

### SEIZURES

Open source (in English and Bahasa Malaysia) and Malaysian government data of seizure incidents confirmed to implicate Malaysia from January 2015–December 2020 were included in the analysis. These are seizures that took place in Malaysia, or are stated to involve Malaysia at any point of the trade chain in seizure record details. Malaysian seizure records were verified with government agencies. Although seizure records are an indirect measure of trafficking levels, the covert nature of any illicit activity and the many variables that influence crime and detection effort means that the true extent is likely to be far greater than those reflected by seizure records alone. The results of this dataset may potentially cause bias in analysis and should therefore not be considered as absolute trafficking trends. It is important to note also that as the species is not specifically protected in Malaysia apart

from Sabah, trade levels are not monitored and seizures can only be carried out under specific circumstances (e.g. during smuggling incidents). Therefore, the level of actual trapping and trade (legal and illegal) is likely to be far greater than the data presented in this analysis. However, they are presented here to shed light on the trafficking of a species that is not widely discussed, and to the authors' knowledge, analysis of seizures and enforcement effort for this species for Malaysia has not been previously been carried out. A conversion rate of USD1 = MYR4.09 was used (XE currency, 24th November 2020).

## RESULTS & DISCUSSIONS

### ONLINE TRADE

A total of 198 Oriental Magpie-robins were recorded in 124 posts from 11 of the 40 Malaysia-based Facebook groups monitored from 1st October to 31st December 2019. This made it the ninth most numerous species recorded (of all birds, mammals and reptiles). The highest number of birds were offered in Selangor (52) and Kelantan (44), while the location was unknown for 37 birds. Interestingly, four traders based in Indonesia (three from Malang, central Java) were recorded posting a bird each in one Facebook group. Price data were available for 37 birds and ranged from MYR7–450 (USD1.71–110.02) (average = MYR109 or USD26.65). While the source of 150 birds was not listed, 48 were stated to be sourced from the wild.

Analysis of data from Mudah.my from 28th June and 27th July 2018 found 70 Oriental Magpie-robins advertised for sale (TRAFFIC, unpub. data). It was the second most numerous animal recorded during the survey covering birds, mammals and reptiles. The majority (45 individuals) were recorded in the state of Kelantan,

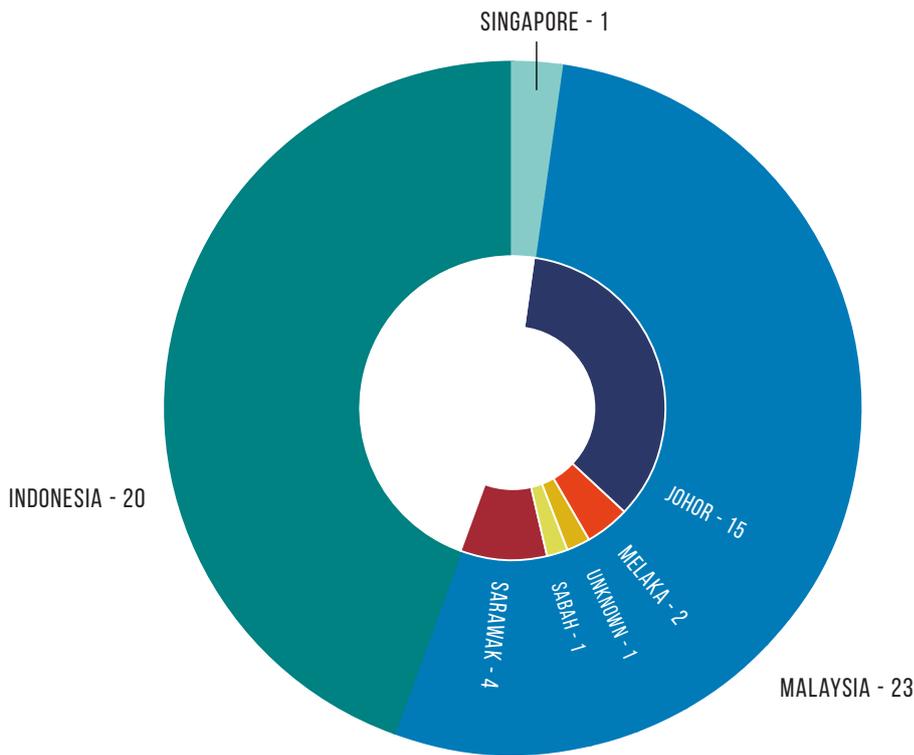
according to the location in the advertisements, mostly in the city of Kota Bharu (37). The state with the second highest number was Perak, all in Ipoh city (9). A follow-up assessment on Mudah.my between 20th April and 20th May 2020 found at least 49 Oriental Magpie-robins advertised for sale (TRAFFIC, unpub. data); once again the second most numerous animal recorded. Asking prices ranged from MYR20–250 (USD4.89–61.12) (mean = MYR66 or USD16.14). Again, the majority of individuals were recorded in Kelantan (36 individuals from 11 advertisements) followed by Kedah (seven individuals from three advertisements). The large price variation on both platforms points to how birds are valued based on their perceived quality, considering factors such as age, gender, source, origin and behaviour.

### SEIZURES

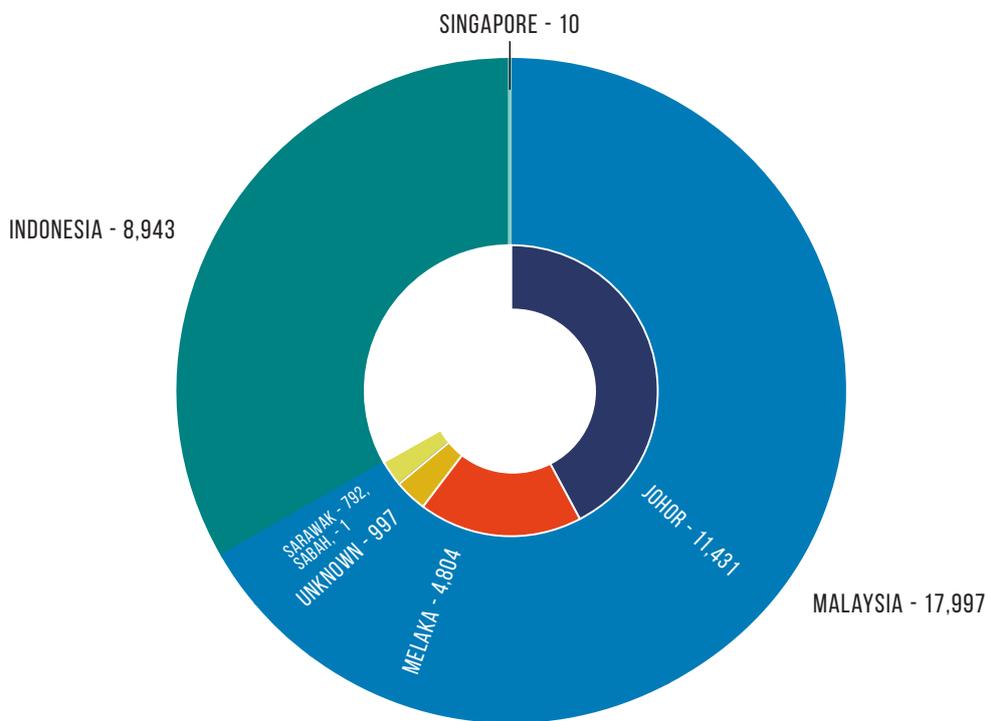
Between 1st January 2015 and 31st December 2020, at least 26,950 Oriental Magpie-robins were intercepted in 44 seizures implicating Malaysia, averaging 613 birds per seizure. This includes two seizures that originated from Malaysia and were seized in Batam, Indonesia, where Oriental Magpie-robins were present but the numbers are unknown (only the aggregate number of all birds was reported).<sup>2</sup> Using the minimum asking price of RM7 (USD1.8) and maximum of RM450 (USD113) recorded from TRAFFIC's online trade studies in Malaysia in 2019 and 2020, and considering that these seized birds are highly suspected to have originated from Malaysia, the estimated value of the seized birds works out to MYR188,650–MYR12,127,500 (USD46,087–USD2.96 million).

Of all the 44 seizures, 20 took place in Indonesia, 23 in Malaysia (involving 17,997 birds) and one in Singapore (Figure 1). All but one of the seizures originated from Malaysia; this one seizure involved a shipment smuggled from Surabaya, Indonesia, to Kuala Lumpur, Malaysia by air. All 23 Malaysian seizures took place in just four states: Johor, Melaka, Sarawak, Sabah, and one case where the state was unspecified (Figure 1).

<sup>2</sup> These two seizures are part of the 44 seizures, but the birds are not included in the total number of birds seized (26,950) as the actual volume is unknown.



NUMBER OF INCIDENTS



NUMBER OF BIRDS

Figure 1: Countries and states where the seizures took place

Over the assessed period, a surge in the number of confiscations involving Oriental Magpie-robins in 2019 and 2020 was observed. This was most obvious in the number of birds seized in 2020 alone - 17,736 (66%) of all birds seized over a six year period (Figure 2). While COVID-19 naturally posed restrictions on movements of people and goods, data show that seizures of wild animals, particularly birds, in Indonesia and Malaysia, have remained generally consistent with previous years (Anatory *et al.* in prep). Further, based on discussions with traders and law enforcement agencies in both Malaysia and Indonesia, the likely reason for this surge is increased sourcing of this species in Malaysia for trade to Indonesia and other neighbouring countries, as populations there dwindle. This sharp increase could also be due to greater awareness amongst law enforcement officers about illegal wildlife trade in general and songbird smuggling in particular, and the ensuing increased vigilance and efforts at notable entry and exit points, particularly in the state of Johor where large shipments of birds (also involving other songbird species) were intercepted in 2020 (Tan, 2020).

Arrests of relatively large numbers of both Malaysian and Indonesian suspects points to networks of smugglers and traders moving birds from Malaysia to Indonesia. Of all 44 seizures, at least five cases involved the arrest of both Malaysian and Indonesian suspects in the same case. For seizures that took place in Malaysia, at least 16 Indonesians were arrested in eight seizures (including those who were also arrested alongside Malaysians). Many of these were reportedly illegal immigrants, indicating an additional national security concern. In one case in August 2020, a boat captain was shot and killed when he reportedly tried to grab a firearm belonging to enforcement officers (Tan, 2020). As of December 2020, seven suspects were successfully prosecuted in three cases—two of which occurred in Sarawak, Malaysia, and one in Batam, Indonesia. All the offenders were Indonesian.

Figure 2: Number of seizures of Oriental Magpie-robins involving Malaysia and number of birds by year

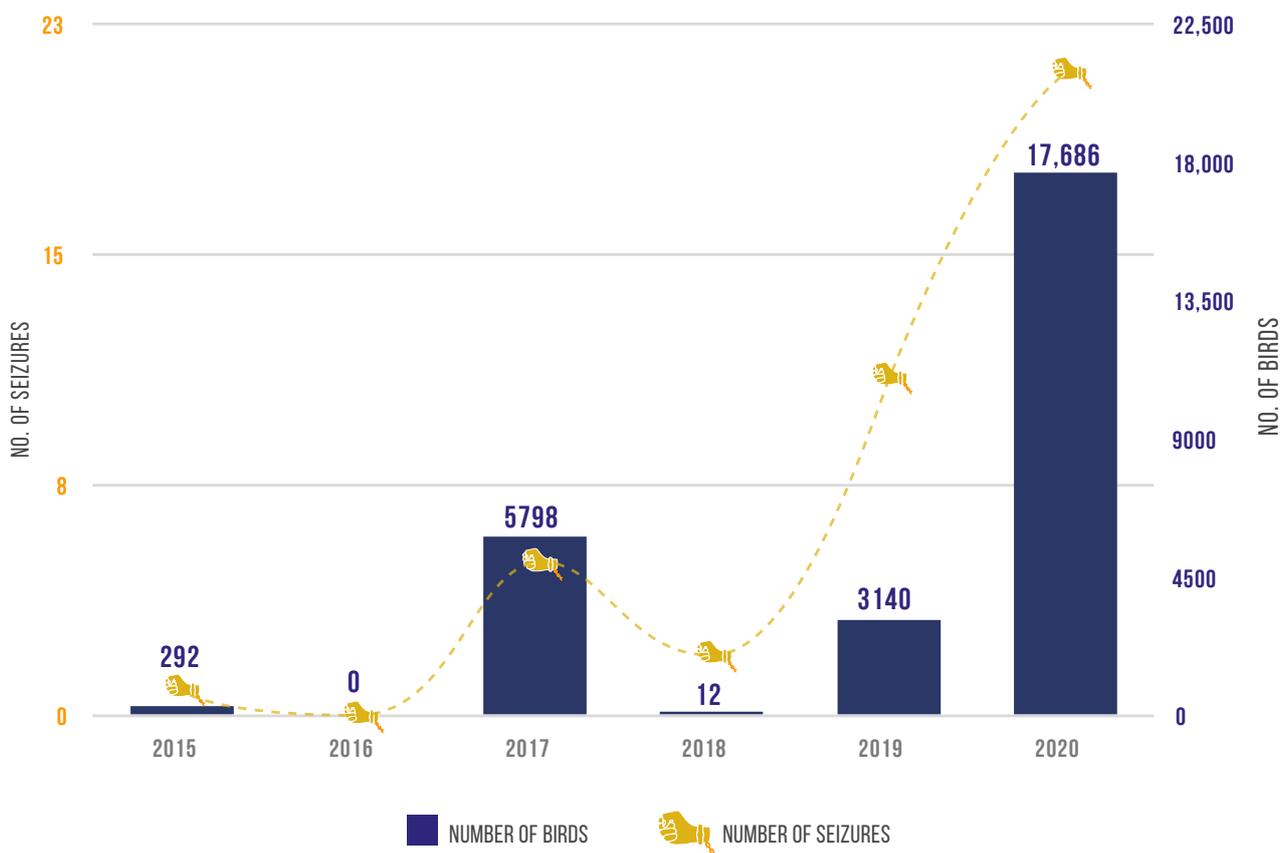
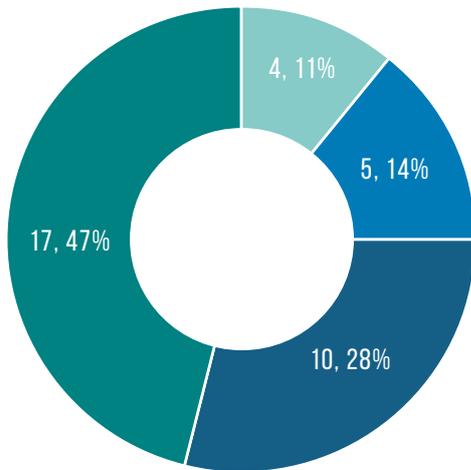
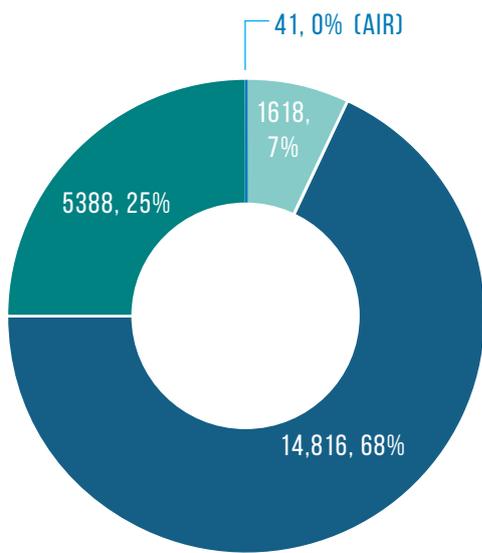


Figure 3: Proportion of smuggling incidents by transportation method



NUMBER OF INCIDENTS



NUMBER OF BIRDS



There were more incidents of smuggling overland, but larger number of birds were trafficked by sea (Figure 3). Birds were largely smuggled by sea from Peninsular Malaysia to Sumatra: across the Straits of Malacca (e.g. from Melaka to North Sumatra), or across the Singapore Strait (e.g. from Johor to the Riau Islands) (Figure 4). On the other hand, birds from Sarawak in East Malaysia were smuggled into Kalimantan via land. Four seizures involved birds found on premises; of these, two were reported to be holding facilities in Sarawak and Johor before the birds were to be smuggled to neighbouring countries.

Where trade routes are known, Peninsular Malaysia (especially Johor and Melaka) and Sarawak in particular are clearly implicated as source locations as well as points of origin for smuggling into neighbouring countries (Figure 4). For instance, Sarawak was cited as the origin of 2,532 birds confiscated in nine seizure cases in West Kalimantan in Indonesia. Towns in Sarawak like Tebedu, Serikin and Serian that border West Kalimantan were the main locations implicated in seizures. For Peninsular Malaysia, locations on the southeastern coast of Johor (such as Teluk Ramunia, Pengerang, Sungai Rengit) featured prominently, and to a lesser extent on the west coast of Johor (Batu Pahat). Another 6,370 birds seized in six cases in Riau in Indonesia were reported by officials to originate from Peninsular Malaysia.

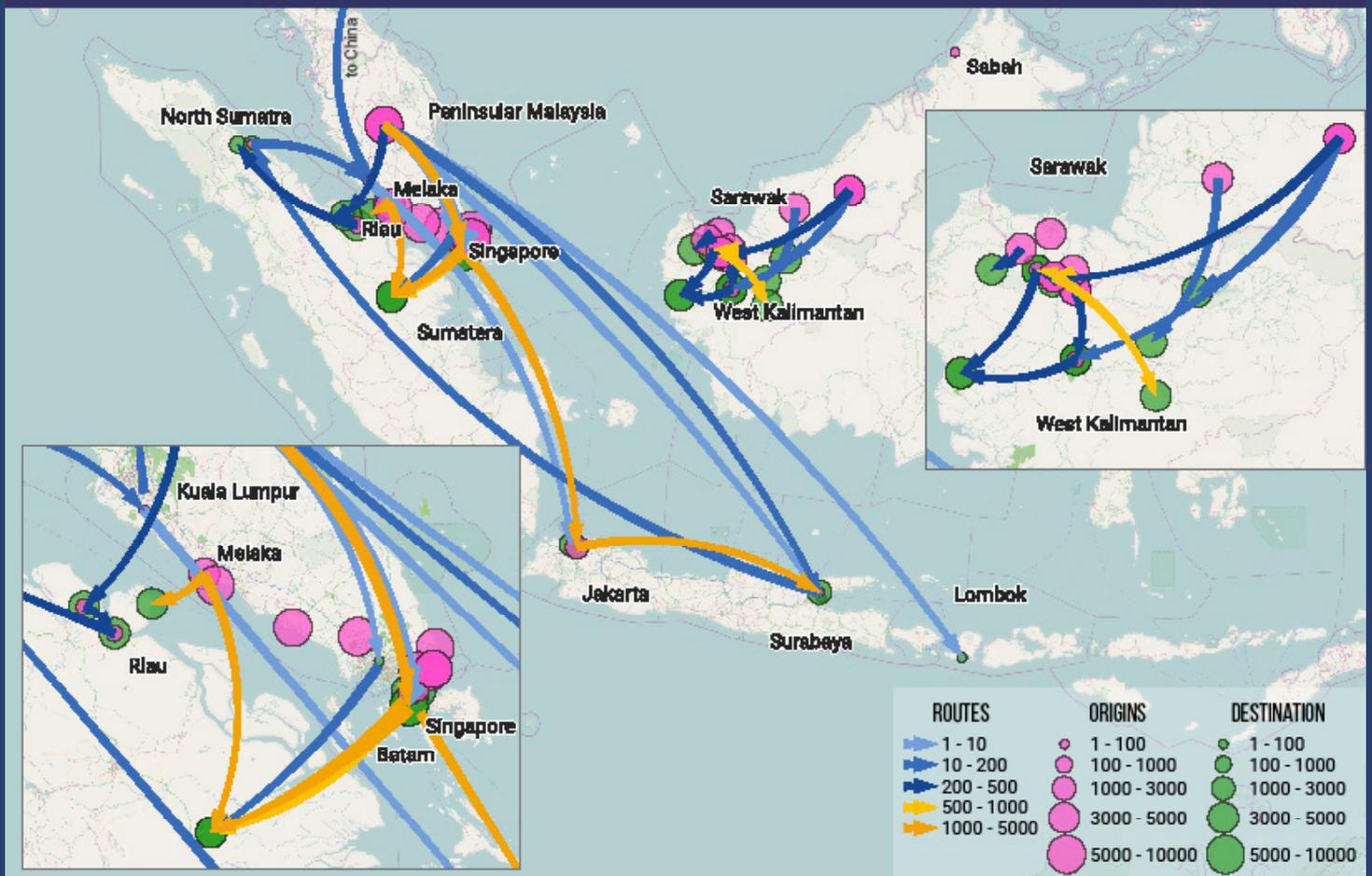
In addition to the seizures described above, five incidents involving Malaysia only mention a total of at least 3,310 *Copsychus sp.* which could contain a mixture of White-rumped Shama (*Kittacincla malabarica*, previously known as *Copsychus malabaricus*) and/or Oriental Magpie-robin in the shipment. These were not included in the analysis above.



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# ORIENTAL MAGPIE-ROBIN TRAFFICKING LOCATION AND ROUTES

Figure 4: Trafficking routes of Oriental Magpie-robins originating from Malaysia. The colour intensity/darkness of the line indicates the volume of birds, while the size of the dot indicates the volume of birds sourced from or destined for the location.

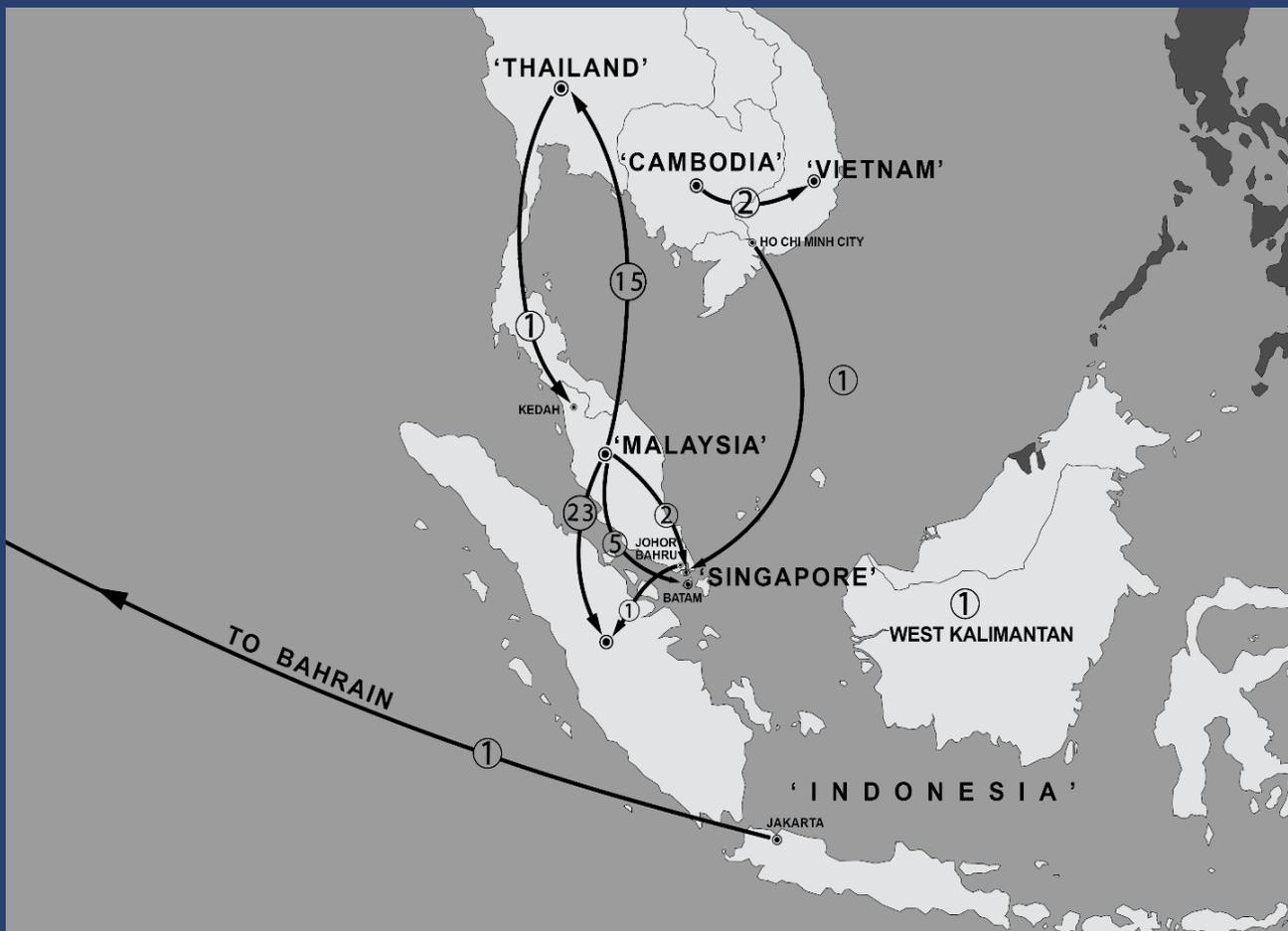


# WHITE-RUMPED SHAMA SEIZURES

(Leupen *et al.*, 2018)

Oriental Magpie-robins are often smuggled in the same shipments as White-rumped Shamas; 16 out of the 44 seizures analysed also included White-rumped Shama, a Protected species across Malaysia. However, as the former are not protected in both Indonesia and Malaysia, they may not be recorded in enforcement actions. Examining White-rumped Shama seizures may therefore give a more complete picture of Oriental Magpie-robin smuggling from Malaysia to neighbouring countries in Southeast Asia.

Leupen *et al.* (2018) compiled a total of 432 White-rumped Shama seizure incidents between 2008 and 2018, involving a total of 15,480 birds. Of these, 218 seizures of 6,838 birds were carried out in Malaysia itself. Twenty-nine of these international shipments were bound for Indonesia, and all Indonesia-bound shipments were transported from Malaysia. This includes a single seizure in Indonesia in July 2017, involving 4,280 White-rumped Shamas smuggled into Batam (Indonesia's Riau archipelago) from Malaysia. Furthermore, 15 shipments were found to have been sent from Malaysia to Thailand.



Source: Leupen *et al.*, 2018

The numbers in the circles indicate the number of times a trade route was mentioned in the seizure records. Country names in parenthesis are used when actual locations are not known.

# CONCLUSION & RECOMMENDATIONS

Information presented here clearly demonstrates a high demand for Malaysian populations of Oriental Magpie-robins domestically and for Indonesia, both of which could be driving high levels of trapping in Malaysia. The data also provide strong evidence of smuggling between Peninsular Malaysia and Sumatra, particularly by sea across the Singapore Strait from the southeast Johor coast to the Riau Islands, and from Sarawak overland to Kalimantan. These links make it critical for Malaysian and Indonesian authorities to co-ordinate and collaborate in investigations and efforts to disrupt trafficking chains.

History has shown that without proper regulation for highly sought-after species for trade, wild populations of once-common species can be severely affected in a short span of time. The Straw-headed Bulbul, once common across the Greater Sundas, has now been extirpated from much of its range because of trade, and only remains in Singapore and some parts of Peninsular Malaysia and Borneo. The species is now globally listed as Critically Endangered (Bergin *et al.*, 2017; Chiok *et al.* 2019). The Oriental Magpie-robin itself was trapped to near extinction in neighbouring Singapore by the 1980s, requiring a conservation reintroduction programme to return the species to the wild (National Parks Board, 2019). In this regard, the very sharp spike in seizures in 2020 is particularly worrying, and without action to protect Malaysia's Oriental Magpie-robins, they could well face the same fate.



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Given this scenario, a more effective step-wise approach for improved regulation should be introduced across Malaysia, starting with a listing of this species as Protected under the relevant laws in Peninsular Malaysia (*Wildlife Conservation Act 2010*) and Sarawak (*Wild Life Protection Ordinance 1998*). This will enable trade to be regulated through a licensing system more harmoniously across the country, which allows for the collection of (legal) trade data to monitor levels of trade, and supports improved law enforcement efforts. Additionally, listing the species as protected could provide income generation for the government through licensing fees.

More robust information about the level of legal and illegal trade in Oriental Magpie-robins collected from licensing and permitting systems can help shape future management and enforcement interventions. This would include any international regulations, such as a CITES Appendix III listing that would allow for more transparent and well-regulated international trade. This would also put Malaysia in a more advantageous position to contribute and support the implementation of CITES Decisions relating to songbird trade fully, and participate actively in the proposed international workshop put forward in Decisions 18.256-18.259. Additionally, this would be a tangible action towards implementing the *Conservation Strategy for Southeast Asian Songbirds in Trade* (Lee et al., 2016) for one of the Tier 2 priority species.

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