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**Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds (Bern SFPs Network) and the UN Environment/CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT)**  
*Sliema, Malta (Thursday 22<sup>nd</sup> and Friday 23<sup>rd</sup> June 2017)*

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## MEETING REPORT



The European Commission were recognized as Champion Plus for their generous support and commitment towards addressing Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean for the period 2015-2018. This activity has been funded with the contribution granted by the European Commission under the Migratory Species Champion Programme and through the Global Public Goods and Challenges (GPGC Programme) Cooperation Agreements with UNEP.



## **1. Opening Remarks**

Ms. Iva Obretenova (Council of Europe/Bern Convention) welcomed participants to the meeting and expressed thanks to the hosts, the Maltese Government. She commented positively on the joint arrangements between the Bern and Bonn Conventions with the back-to-back meetings of the Bern Convention's Network of Special Focal points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds and the Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) under CMS. She hoped the meeting will achieve its ambitious objectives and result in the endorsement of the draft Scoreboard which will allow the assessment of progress in combating the illegal bird killing phenomena. Mr. Borja Heredia (UNEP/CMS Secretariat) noted the high level of attendance with representatives from governments, NGOs and other IGOs, which was a good indication of the relevance of the process and the broad base of the coalition determined to address the problem of illegal killing. He welcomed the cooperation between the Bern and Bonn Conventions, stressing the importance of finding synergies between different international processes with common aims, as combining their two networks brought more expertise to bear. He also thanked the hosts, noting that Malta was coming to the end of a busy six months holding the presidency of the EU. He concluded his remarks by thanking the European Commission for its support, which had enabled much progress to be made already, although there was still more to do. The universal acceptance of a "zero tolerance" approach provided a solid foundation.

Parliamentary Secretary, Clint Camilleri, welcomed the participants to Malta on behalf of the Government. He was honoured to have been invited to address the meeting, just a week after his appointment. Malta had made a great effort to combat the illegal killing, taking and trade of birds. The reforms instituted had been based on international cooperation and had brought tangible results. Legislation had been improved and penalties had been increased. International pressure had been felt and arguments heard from stakeholders on both sides. Within four years, the situation had improved considerably and Malta was now an example for others to emulate. Malta now had one of the most robust regimes for protecting birds, with the old licensing system replaced with state-of-the-art real time reporting. Emphasis was being placed on training and capacity-building. While the Government supported sustainable, legal hunting, it had adopted an approach of zero tolerance to any abuses. It was timely and appropriate that Malta was hosting the joint meetings of the Bern and Bonn Conventions' processes. Malta was not complacent and would not rest on its laurels, realizing that there was still much to do but heartened by the high turn-out of 28 States including 17 from the EU together with representatives of IGOs and NGOs.

## **2. Appointment of Chair and Vice/Chair of the Meeting; Introduction of Participants and Adoption of the Agenda**

Mr. Heredia (UNEP/CMS Secretariat) proposed that Mr. Sergei Golovkin as the representative of the Host Government and someone involved in both the Bern and Bonn processes should chair the meeting. Mr. Golovkin was elected by acclamation.

Mr. Heredia suggested that the vice-chair should be selected from a non-EU country and proposed Mr. Jeff Gerges of Lebanon. This proposal was also accepted by the meeting.

The Chair thanked the meeting for the confidence shown in him and proceeded to conduct a tour de table so that participants could introduce themselves. The Chair noted the wide range of expertise available to the meeting.

The list of participants can be found as an Annex to this report.

The Chair explained that the main task for the second meeting of the Task Force was the finalization of the Scoreboard, and detailed consideration would be given to this under agenda item 6 later in the day with a view to agreeing a final draft by the end of the meeting.

The Chair ran through the agenda, highlighting the main topics for discussion and the presentations that would be given. The UNOCD, under the framework of the International Consortium on Combating Wildlife Crime, had produced a similar tool to help implement its work, and an adapted version of this could serve as a blueprint for the Task Force. Input would be received from INTERPOL and EUROPOL with explanations of how these organizations could support the Tunis Action Plan and MIKT processes. Nicholas Crampton, a consultant engaged by the Bern Convention was present; BirdLife International would present its review of illegal killing, taking and trade in the Arabian Peninsula, Iraq and Iran. A representative of the Carpathian Convention was in attendance and the International Association of Falconry would explain the role of falconers in conservation and in the fight against illegal killing, taking and trade as far as they affected raptors. A representative of UNESCO would describe the role of biosphere reserves. There would also be some discussion of how to finance the required activities and consideration would be given to the documents to be presented to the CMS Conference of Parties in October and to the Bern Convention's Standing Committee.

The Chair proposed the adoption of the agenda and the schedule. Both were adopted by the meeting without amendment.

### **3. Updates from the Bern Convention and CMS Secretariats**

The Chair said that updates on progress in implementing the Tunis Action Plan and the MIKT Programme of Work (POW) would be given respectively by the Bern and Bonn Convention Secretariats. The reports would also highlight the main obstacles encountered and immediate priorities.

#### **Update from the Bern Convention**

Ms. Obretenova reported on major developments since the meeting held in Tirana, in April 2016 attended by Focal Points. The rate of replies from Parties for the mid-term review had been low and the deadline had therefore been extended. Twenty-four replies had now been received (45 per cent) and these had revealed some encouraging news in relation to certain aspects. Some more awareness-raising campaigns were being planned, including the use of social media. The social media campaign would be launched alongside the BirdLife International review in the autumn of 2017.

#### **Update from CMS**

Ms. Carmen Naves reported on developments since the first meeting of the MIKT in Cairo in July 2016, the main output of which was the POW 2016-2020. The Secretariat continued to liaise closely with counterparts in the Bern Convention Secretariat and with the European Commission. Various meetings had been attended including a conference in Lebanon on sustainable hunting and a workshop organized by IMPEL on hunting tourism.

The EU Environment Enforcement Networks Conference would take place in September 2017 in Oxford, United Kingdom. Work was also progressing on a documentary to raise awareness of the issues of illegal killing, taking and trade, and this project was made possible because of support from the European Commission. Meetings had also been held with other stakeholders such as INTERPOL and EUROPOL.

A workspace had been set up as a communication tool, accessible from the MIKT portal. MIKT Task Force members would receive an invitation to set up their accounts and passwords to enable them to access the system.

#### 4. Progress updates on the implementation of the MIKT POW 2016-2020 and the Bern Convention Tunis Action Plan 2013-2020

The Chair invited all Parties to provide updates, focusing on achievements, obstacles and future priorities.

**Israel** reported that efforts were being made to stop fishermen from killing pelicans. Each year 70,000 pelicans passed through the country. Pools had been created where the birds could feed. Secondary poisoning was a problem as cattle owners tried to protect their livestock from jackals and wolves.

The main advance in **France** had been the adoption of a new biodiversity law in August 2016, which had introduced a tenfold increase in penalties for illegal activities regarding protected species, i.e. killing: including prison sentences (up to two years) and fines up from €150,000 to 300,000 and trade: prison sentences (up to seven years) and fines from €150,000 to 750,000. The staff of the National Hunting and wildlife Agency (ONCFS) in charge of Environment police were allowed to engage in bogus transactions on the Web. Obstacles persisted, including the lack of reliable figures for the number of birds killed and the lack of dedicated prosecutors. Prosecutors were overworked and undertrained.

Since the meeting in Tirana, **Croatia** had undertaken some educational work including producing a poster. Coastguards had received additional education and increased powers, and the Ministry was liaising closely with other agencies and stakeholders, such as the police and NGOs. One obstacle was the apparent lack of interest in higher echelons. Hope to increase quality of inspections in the field.

**Cyprus** had adopted a National Action Plan on illegal killing and it was hoped that the problem would reduce in the next few years. An amendment to the law had introduced minimum fines, which would increase their deterrent effect. One obstacle was the lack of support from the public, who were largely indifferent or silent, the lack of political will, and even opposition in areas where trapping was prevalent.

**Malta** had analyzed its legislative and administrative measures and assessed the scale of illegal killing, taking and trade. Enforcement priorities were being identified, and a public consultation would be launched. Enforcement capacity in the field was being strengthened and there had been a tenfold increase in penalties. Training sessions had been organized for enforcement officers and more inspections were being carried out. The licensing system had been reformed and a reporting mechanism had been introduced. A fund had been established for the conservation of birds. Some species had been removed from the list of huntable birds and the season for hunting the Turtle Dove had been reduced.

Bridges were being built with hunters, and the benefits of this cooperation were seen in January 2017 when a group of wintering swans were seen on the islands, and hunting and conservation NGOs collaborated well. Malta was also seeking to collaborate internationally.

The obstacles to progress include the dependence on the police for enforcement when there were other priorities and limited resources.

The priorities for the immediate future were the release for stakeholder consultation of the draft National Strategy for Eradication of IKB, and, following its adoption, subsequent implementation. Other priorities include continuation of capacity building and training efforts and continuing with regional and international cooperation.

The Chair said that much had been done and there was still more left to do. He surmised that had the flock of swans landed on Malta a few years before they would have met a different fate; this year a cooperative effort ensured that they had food and survived.

**Hungary** reported on the Pannon Eagle LIFE project concerning bird poisoning, and documents would be posted online in due course. A further LIFE project would extend the conservation actions into neighbouring countries. Stricter penalties had been introduced for wildlife crime and some court cases took place in 2016 and 2017. In some cases, however, the police were reluctant to analyse bird carcasses to ascertain whether they had been poisoned, and sentences imposed by judges were lenient.

**Albania** said that advances had been made in public awareness and education, amended and new laws, and a prohibition of hunting in some protected areas, after consultation with hunters' associations. The main obstacle was the lack of capacity. In the immediate future, estimates and statistics regarding the effects of illegal hunting would be examined.

In **Lebanon**, the Ministry had issued a decree regarding the hunting season, lifting the total ban that had been imposed 21 years before. It was recognized that hunting had to be sustainable, and hunters needed to obtain a licence, pass an exam and be insured. So far, many requests to obtain hunting licences had been received. The decree set a hunting season, specified which species were covered, and also regulated trade. Training workshops would be held to explain the law and show how to identify huntable species and distinguish them from protected ones.

In **Portugal** actions related to the conservation of birds were dealt with under the national forum for CITES, which facilitated liaison between different bodies. Key stakeholders were being provided with training. Priorities for the future were raising awareness and securing higher penalties for wildlife crime. In addition to illegal killing, the taking of eggs was a problem.

For **Italy**, Alessandro Andreotti of ISPRA gave a presentation, which focussed on the new national action plan on the illegal killing of birds. The action plan was an initiative of the Environment Ministry and a workshop was held in June 2016 to discuss main goals, targets and actions, identifying areas where illegal killing was a particular problem. The drivers behind illegal killing and taking were long-established traditions, taxidermy and predator control.

The draft action plan had first been published in July 2016 and the final version had appeared in November 2016, and approval by the Committee of the Regions had been given in March 2017. The action plan contained 5 targets and 31 actions and foresaw the establishment of dedicated police units, improved coordination and enhanced law enforcement. Laws and regulations relating to hunting would be amended and efforts made to address the drivers behind illegal killing and taking, for instance through awareness-raising campaigns, monitoring implementation through national and regional databases and improving controls on trade, captive-breeding centres and restaurants. The adoption of the national action plan showed that the problem of illegal killing and taking was being taken seriously and the authorities had a greater awareness of the issues. Potential obstacles were the country's regional structure, the reluctance from some national authorities and some stakeholders as well as diverse cultural traditions. The top priority now is to set up the national Coordination Unit to work on the implementation of the action plan.

The action plan probably owed its existence to international efforts such as those coordinated by the Bern and Bonn Conventions. The Italian model could be emulated by other countries.

In the **Czech Republic**, an interagency working group on the illegal killing of all wildlife had been established under the leadership of the Ministry of the Environment, with representatives of other stakeholders (the Ministries of the Interior, Health and Agriculture and NGOs). The issues being examined included the use of pesticides, pharmaceuticals and lead shot and weights. The Czech Republic was also participating in a LIFE project being coordinated by Hungary, and as a signatory of the CMS Raptor MOU was preparing reports on birds of prey.

The **United Kingdom** had committed resources to a police-led Wildlife Crime Unit and six priority species groups had been identified, including those listed under CITES and raptors which were suffering persecution particularly Hen Harriers. The trapping of finches and the illegal trade in parrots were other concerns. Public awareness-raising campaigns were being conducted and the UK would continue to work closely with its international partners.

For **Tunisia**, Mr. Jamel Tahri gave a presentation describing activities since the meeting in Cairo; these included the establishment of a monitoring and control platform, which allowed the public to report on infractions, the review of legislation and the planning of education and raising awareness actions.

In **Serbia**, a protocol relating to the Tunis Action Plan was in preparation and the authorities were reviewing the draft. Many bird species were subject to poisoning, such as pesticides used on seeds. Some substances banned in Serbia were available abroad. The priorities included training the police and other agencies, and preparing for implementation of the protocols. Awareness-raising campaigns had been well received even by the hunters. Training was being given on the use of poisons and pesticides. Some poisoned birds had been treated and later released. Hunting legislation had been improved and it included a temporary, partial ban on the hunting of Turtle Doves. It was hoped that the ban would become permanent and comprehensive and be extended to Quails.

**Turkey** reported that there was a chronic problem with hunting. Most hunting grounds were owned by the State not by clubs or individuals. It was hoped to reform the ownership regime, but this would take time. Many agencies were involved with management and a forum would be established to bring together the wide range of stakeholders. A new system was in place to record all fines and penalties imposed and apps had been developed so that hunters could record their take. Priorities were providing more training for the judiciary and to continue working with international partners.

**Slovakia** had adopted a national action plan and a new task force had been established within the Ministry. Training was being provided for judges and prosecutors, and this had already resulted in a successful prosecution in a case involving the poisoning of a peregrine falcon. While holding the EU Presidency at end of 2016, attention had been given to tackling environment crime.

**Spain** reported that more training was being carried out in law enforcement agencies and more cases on wildlife crime in general were being investigated and intelligence was being analysed. The main problems were the trapping of songbirds and illegal poisoning. Hunters were being prosecuted for illegal trapping and in all regions efforts were being stepped up to address poisoning. The authorities were now receiving more resources as the economic situation improved. More databases were needed to record the numbers of birds being taken; some databases existed for raptor poisoning but not for trapping, so assessing the effectiveness of programmes was difficult. In some regions, there was a lack of political will, and capacity-building was needed for the judiciary and prosecutors.

The top priority was to address poisoning further; some progress had been achieved but there was more to do. Other areas needing attention were the trapping of songbirds because despite the existence of regulations, enforcement was insufficient, in particular the trapping of finches and the shooting of raptors such as owls and peregrine falcons. The strategy on dealing with poison baits was 14 years old and needed to be reviewed.

**Germany** reported that the main problem concerned the persecution of birds of prey. Collaboration was built with the Committee against Bird Slaughter (CABS) which was running a project covering all 16 *Länder* (Federal States) to compare policies and learn from best practice.

The **European Commission** said that one achievement was the establishment of the MIKT Task Force, which had attracted high level attention and was part of the strategy to combat wildlife crime. A review of LIFE projects was being undertaken and a new EU action plan for nature was being developed.

**IMPEL** said that it was working on a pilot database in conjunction with other NGOs aimed at improving the sharing of information.

**BirdLife International** welcomed the fact that the meeting was taking place with high calibre participation, indicating that governments were taking the issue seriously. The progress being made, despite various obstacles, was encouraging. The meeting presented an opportunity to identify where cross-border projects could help implement the POW and to mobilize resources. One urgent issue was the development of the guidelines on monitoring and BirdLife International stood ready to support the working group foreseen in the POW adopted in Cairo. Congratulations were offered to the Italian Government for its National Action Plan to stop illegal killing and to the Maltese Government for its initiatives, leadership and hospitality. One future development was a project being conducted by BirdLife International with the MAVA Foundation to tackle the illegal killing in Greece, Cyprus, Italy, Lebanon and Egypt.

**BirdLife Cyprus** reported that they were undertaking an increasingly wide education effort, including much innovative work taking place to try to change attitudes in Cyprus. It was noted that the Cyprus Strategic Action Plan on illegal bird killing continued to include a government last-minute addition for Blackcap hunting under derogation, despite the European Commission calling on Cyprus to remove this provision. There were serious doubts whether the on-the-spot fines proposed by the government in a pending law change, rather than taking offenders to court would work – as wardens might be intimidated by armed poachers. The restaurant trade was also an ongoing issue, with the proposed law change including problematic relaxations on this issue also. However, the situation was better in the Republic than in the UK base areas, where moves to remove alien acacia planted for trapping purposes had stalled due to protests from trappers. But BirdLife Cyprus added that bases courts had recently imposed some more deterrent fines for trapping offences, and a recent grenade attack on a bases police station was probably linked to heavy fines imposed on poachers.

**Nature Conservation Egypt** had attended MIKT1 and was working with colleagues in the United Arab Emirates and Malta on tourists that came to Egypt for hunting. Many activities were being carried out in the country with support from BirdLife International and knowledge gaps were being filled. Methods that proved effective in the north of the region did not necessarily work well in the south and needed to be adapted.

**CABS** was active throughout the region. They were less optimistic about the situation in Cyprus than the participant from BirdLife Cyprus, pointing to fines of just €200 for using lime sticks. He praised the good work of the Cypriot police's antipoaching unit but pointed out that it was being wound down and had been inactive since April and fewer prosecutions were being made. He added that the doubling of staff at RSPB had not led to more cases going to court.

The representative of the **IUCN** commented on the presentation made by Tunisia and the workshop conducted with the Forestry Agency. There was potential role for hunters in biodiversity conservation. With suitable training, hunters could help monitor populations.

##### **5. UNODC work on wildlife and forest crime, their role in ICCWC and the developments related to the Wildlife and Forest Crime Analytic Toolkit including the Indicator Framework for Combatting Wildlife and Forest Crime**

The Chair introduced Mr. Jorge Rios of the UNODC, saying that the UNODC toolkit included an "Indicator Framework" which had served as a blueprint for the Scoreboard.

Mr. Rios explained that the UNODC did not focus on birds as its remit was wider, but the seriousness of the problem of illegal killing, taking and trade was recognized.

The UNODC had been in existence under various names for 40 years and was linked to two conventions, those dealing with corruption and international crime. Crimes of this nature had far-reaching effects on economic development and social stability. In many countries, wildlife crime was considered to be an emerging issue, although the evidence suggested that it was well established.

With a mandate from General Assembly resolutions, the UNODC had worked with CITES and customs organizations through the ICCWC on a toolkit. Having addressed arms and drugs, UNODC had recognized the potential read-across to wildlife crime.

The UNODC had a wide remit from the crime scene to the courts, and its main role was in providing training and undertaking research. In 2016, a 100-page report had been published, the World Wildlife Crime report (100 pages). Chapter 8 was dedicated to birds and contained a case study on parrots. UNODC had acquired a greater understanding of the extent of the illegal killing of birds after the publication of the BirdLife International report, "The Killing".

The World Wildlife Crime report showed that 164,000 seizures had taken place in 120 countries concerning 7,000 species with 80 different nationalities involved. Of the seizures, 10 per cent had involved birds and eggs, the largest component being parrots of South American and African origin being sold to Europe. A current case in France concerning raptors saw the accused facing long sentences and heavy fines, as the penalties for organized crime were available to the court.

### **Wildlife and Forest Crime Analytic Toolkit**

The Wildlife and Forest Crime Analytic Toolkit had been launched several years before and took into account national legislation, prosecution procedures, drivers and data. It helped by providing an oversight rather than guidance on action. To date, twenty-one requests for assistance had been received, mainly from Latin America and Africa. The process for dealing with requests was normally a desk study followed in some cases by a visit to the country, leading to an implementation plan and identifying resources and the main government actors, such as the Ministry of the Environment and the police. The findings were typically that the authorities lacked resources, weaknesses in both the investigation and prosecution of cases, the low priority given to wildlife crime, out-of-date legislation, poor forensics and lack of awareness by professionals the public.

The ICCWC Indicator Framework had been adopted after three arduous years of negotiation. It was a self-assessment tool based on multi-agency participation and civil society involvement. It was meant to be easy to use and had been aligned with other reporting mechanisms. The adoption of the TAP/MIKT Scoreboard would be a welcome addition and could help lever resources. The principal challenge was the infiltration of illegal products into what was generally a legal market.

### **6. a. Development of a Scoreboard to assess the progress in combating illegal killing, taking and trade of wild birds**

The Chair introduced the consultant, Mr. Umberto Gallo-Orsi, who was responsible for compiling the draft Scoreboard.

Mr. Gallo-Orsi described the proposed Scoreboard, its aims, geographic scope and the mandate for its creation related to the Bern Convention's Tunis Action Plan and the MIKT POW, as well as the EU roadmap and EU action plan on wildlife trafficking. The Scoreboard



was a tool to facilitate monitoring and was being developed by the Bern Convention and CMS jointly.

The geographic scope covered Bern Convention and CMS Parties in the Mediterranean region together with Lebanon. Its aim was to provide an internationally recognized monitoring tool, that was easy to use and informative. Beyond monitoring, the Scoreboard could serve as an incentive to Parties to do more with regard to leadership, capacity-building and transparency. It could support the process of developing national action plans and mobilize resources.

Mr. Gallo-Orsi described the framework of the scoreboard which consisted of 28 indicators across five groups, these being (1) National Monitoring, (2) Comprehensiveness of national legislation, (3) Enforcement Response, (4) Prosecution and sentencing and (5) Prevention.

The Scoreboard should serve as an internationally recognized tool to monitor progress, reduce reporting burdens for Parties regarding illegal killing, and facilitate leadership, capacity-building and transparency, and support and build the process for developing national action plans and mobilizing efforts.

Following Mr. Gallo-Orsi's presentation, the Chair opened a general discussion on the Scoreboard, stressing that detailed discussion would take place in the working groups examining the five main categories. The Chair asked that participants identifying problems should also where possible suggest solutions. Participants had been allocated to one of the five working groups, and each group would be required to appoint a convenor and a rapporteur.

The United Kingdom asked whether, in the interests of transparency, the meeting would receive a revised version of the Scoreboard on the second day of the meeting following the comments made. The Chair doubted whether this would be feasible if the five working groups dealing with the indicators had extensive comments to which other participants from other working groups wanted to respond. More feasible was the possibility of circulating a revised version shortly after the meeting, at which point further comments could still be made.

Israel commended all those that had contributed to the work done so far and sought clarification of what the intended steps were and what was expected from the Parties after adoption of the Scoreboard, asking whether it was intended to record the comparative performance of the countries and how often it would be updated.

The Chair reiterated that the Scoreboard was the product of long discussions in a dedicated working group of the MIKT and two rounds of consultations had been held. The question of periodicity was relevant and no decision had yet been taken and the advice of MIKT members would be sought, with annual, biennial or linked to the COP cycle being options. However, the Scoreboard was not just a reporting tool but it was meant to provide leadership to the Parties. There was also the question of what happened after the Parties had completed the Scoreboard and the possible role of the Secretariats in ensuring quality control.

The representative of the European Network of Prosecutors for the Environment (ENPE) referred to paragraphs 10, 12 and 20 of the Scoreboard pointing out that organized crime was not a concept recognized in some jurisdictions. In some, the concept of conspiracy covered the same idea. Also, the speed at which a case was handled might reflect due process, with hearings initially in lower courts before being passed along the chain. A low number of acquittals might also indicate a high aversion to risk and reluctance to prosecute.

France said that regarding reporting burdens it would be necessary to add the AEWA MOP due in 2018. France also pointed out that the final draft of the Scoreboard would have to be translated in French and Spanish. Germany said that French and Spanish translations would be needed in time for the forthcoming meeting of the Sessional Committee of the CMS

Scientific Council and stressed that the present meeting was only one hurdle in adopting the Scoreboard, as the Bern Standing Committee and CMS COP would have to approve. The Secretariat undertook to have the translations prepared for COP.

The UK thought that fostering cooperation was the key and opposed “hard” reporting, and advocated a voluntary approach. The UK was not in favour of third-party reviews or a “name and shame” approach or even comparative league tables. The Chair reiterated that the intention was for the Scoreboard to be a self-assessment tool and never aimed to name and shame.

Mr. Heredia (CMS Secretariat) said that the suggestion that the current meeting would adopt the Scoreboard was possibly misleading. The meeting could endorse a draft but it would be for the Bern Standing Committee and CMS COP to adopt it or take note of it.

Regarding periodicity of reporting, the Chair proposed aligning the cycle with the trienniums of the CMS COP, so as to reduce the reporting burden and allow sufficient time for progress to be achieved. Germany supported this proposal, as too frequent reporting overwhelmed the Parties. This would entail a report on 2018 to test the Scoreboard, a second report in 2020 in time for CMS COP13 and thereafter on a three-year cycle coinciding with the CMS COP.

Ms Obretenova (Council of Europe/Bern Convention) said that it would be useful to have at least a baseline report and one progress report before 2020. As the Bern Convention’s Standing Committee met annually, adopting a triennial system posed no difficulties.

The Chair invited general comments, after ascertaining that there was no fundamental opposition to the approach proposed.

The representative of FACE questioned the need for Section 6 reference to (on hunting legislation) on the basis that the issue being addressed was the illegal killing, taking and trade of birds instead of hunting, and criticized some aspects of the wording of the indicators relating to hunting legislation. The Chair agreed that hunting should not be equated with illegal killing but nonetheless felt that the robustness of hunting legislation was a legitimate area for examination since lax regulatory systems could open up loopholes for IKB. The indicators also should not be examined in isolation but should be seen as part of the whole Scoreboard. The representative of the IAF said that the juxtaposition of the terms illegal and hunting was unfortunate, while Israel pointed out that the hunting community should not be afraid and recognized that hunting had a role to play in conservation, especially if based on sound regulation. Germany suggested that “poaching” might be preferable to “illegal hunting”, but it was pointed out that the term generally used throughout MIKT documentation was “illegal killing, taking and trade”. The Chair pointed out the fact that the draft Scoreboard adopts a uniform definition of IKB, which was developed following an assessment of similar definitions used by various international instruments. This definition clearly does not refer to hunting, but to activities that are illegal under national law.

When the plenary reconvened after the Working Groups had met, the Chair allocated five minutes for each of the rapporteurs to report back on their findings and a further five minutes for questions.

### **Group A - National Monitoring**

Mr. David Stroud (UK) as rapporteur of the Working Group dealing with National Monitoring, said that some reordering of the questions was proposed, promoting the status and scale of IKB and the number, distribution and trend of illegally killed, trapped or traded birds being brought to the top. The reference to bird mortality should be replaced by the number of birds killed, the footnotes should be expanded to define more clearly what was meant by “expert”

and the references to the seasons should be replaced by references to groups of months. It was also felt that some of the questions might sit better in Section C on enforcement response.

### **Group B - Legislation**

There was some discussion about replacing references to hunting with references to sustainable use, although some delegates questioned this as hunting was a narrow and clearly understood term, whereas sustainable use was far broader. There was also a suggestion that the reference to taxidermy should also be deleted, as this like hunting was in itself a legal activity. Instead of the activity of taxidermy, reference was made to regulating “possession” of protected birds.

It was suggested that an additional column be inserted in indicator 12 (organized crime legislation) with the heading “not applicable”.

It was also suggested that legal experts in the European Commission and the Conventions be consulted on the wording of some of the questions. Some wording in the question needs to be checked by EC and the Conventions for legal opinion.

The observation was also made that the illegal killing and taking of birds was sometimes prosecuted under other legislation rather than nature conservation laws alone. The group also made other drafting and formatting suggestions.

### **Group C - Enforcement**

It was pointed out that not all countries had a national action plan but might have other similar, almost equivalent initiatives in place. It was also difficult to give a rating for the priority attached to wildlife crime as this varied between different national agencies. The role of other stakeholders also needed to be recognized and some measure of voluntary effort in the field should be devised. Difficulties were foreseen in assessing enforcement effort in a uniform way across different countries and the indicator regarding training should reflect the regularity of training and include the provision of refresher courses.

It was noted that even in small countries such as Malta the central collation of data posed problems, and it was assumed that the problem would be even greater in larger countries with more tiers of administration.

With regard to specialized training, the opinion was voiced that it was less important how many enforcement officers received instruction than ensuring that cases were assigned to suitably qualified personnel.

Some members of the working group questioned the usefulness of recording staff effort, while others thought that being able to ascertain whether deployment of officers in the field brought results was needed. The Chair said that simple numbers would be misleading, and account should be taken of the size of the country concerned. Given the bureaucratic effort of recording hours spent in the field, it was suggested that focus be placed on “hot spots”.

Mr. Gallo-Orsi reminded the meeting that the strength of the Scoreboard was in showing progress within one country and trends overtime and not comparing different countries.

### **Group D – Prosecution and sentencing**

Indicator 20 (Quality of judicial processes) is suggested to be moved to the section E related to public awareness, becoming now indicator 28, since measuring the effectiveness and efficiency of the administration of sanctions in different legal systems using an objective parameter and in the short term was complicated. Account also had to be taken of the fact that each case was different and subject to specific circumstances. Israel added that this was

a regional Scoreboard and only time could prove the efficiency of the judiciary. In addition, it was important to take into account those cases that did not reach the court.

With regard to publicity and awareness-raising, two issues needed to be differentiated, one being to make the public aware of the law and the punishments for breaking it, and the second was the administrative recording of the outcomes of cases. It was suggested that with regard to specialized legal training it was more important that the prosecutors had a full understanding of wildlife law rather than the judges. Training only had to be made available to those dealing with wildlife law.

The value of NGOs being able to play a full part in the legal process including bringing cases was recognized. In the UK, the RSPCA had a unique position, while in Spain the legal process was open and in other countries NGOs could not bring cases directly.

Given that it was difficult for politicians and administrators to comment on the conduct of judges, it was suggested that the indicator on judicial awareness should be made more neutral and focus on the availability and quality of guidelines.

Given the length of time needed for some legal processes, it was considered impractical to try to record the number of acquittals on appeal. There were also questions about the quality of environmental evidence provided to the courts and even whether the most appropriate charges were brought in the first instance.

On the terminology, “illegal hunting”, it was pointed out that the system of open and closed seasons, meant that an activity legal on one day would be illegal the next. In addition, it was suggested to change the wording “judiciary” to refer more precisely instead to “prosecutors and judges”.

### **Group E - Prevention**

A number of issues of a linguistic nature were raised such as the difference between the terms “illegal” and “illicit” and the meaning of “harvesters”, and the need to retain some of the footnotes was questioned. A clearer definition was requested regarding the term “regulated community” and a request made to replace references to “hunting” with “sustainable use”, although it was pointed out that the authorities issued permits or licences that referred to hunting rather than sustainable use. Poland objected to this request and the Slovak Republic suggested a legal check by the Secretariats. Some of the terms had been taken directly from the ICCWC’s Indicator Framework.

It was suggested that the indicator relating to publicizing prosecutions contained in Section D might sit better in this section.

### **6b. Agreement on a Scoreboard to assess the progress in combating illegal killing, taking and trade of wild birds**

Following the first day’s discussion, working groups and consideration of all the comments, on the second day the Secretariats presented a revised scoreboard having worked through the night. The Plenary specifically acknowledged and commended the extraordinary effort made by the officers of both Secretariats as well as by Bern Convention Consultant to produce a revised draft within such an exceptionally short timeframe. The revised draft was projected on screen with the amendments clearly marked in “track change” and any remaining open questions highlighted.

Mr. Gallo-Orsi presented the revised document, which he noted had a new subtitle emphasizing that the Scoreboard was intended as a self-assessment tool.

The periodicity of the reports under the Scoreboard had been changed. The baseline returns would be due in 2018, and the second round in 2020 before COP 13. Thereafter the reports would be due in three-year cycles reflecting the meetings of the CMS COP. The system of colour coding had also been amended.

### **Peer Review**

The United Kingdom stressed two guiding principles, namely that the Scoreboard would be completed by governments and that the process should be collaborative involving stakeholders. The UK reiterated its opposition to having third-party reviews.

The Chair said that even in the absence of a formal third-party review stage, Scoreboard assessments are very likely to be closely scrutinised by stakeholders, particularly NGOs. Therefore, although the initially proposed formal review stage can be scrapped, emphasis should be made on the Parties conducting their self-assessment through a participative process in the first place. The exact format of stakeholder participation in self-assessment should be solely within the discretion of the Parties; however, an inclusive process should be strongly encouraged. Cyprus supported retention of a third-party review as an honest broker to resolve disagreements between a government and NGOs, but preferred a governmental assessment before the evaluation by an intergovernmental body.

Germany said that there was the added complication of that country's federal structure with a national government and separate administrations in the 16 *Länder*.

The Chair suggested that a large degree of discretion should be left to Parties to address their own particular circumstances.

Spain was also not comfortable about the concept of a peer review, questioning which peers could make useful input, and suggested that a consultation would be better option.

Israel sought clarification of certain terms asking what constituted "substantiated comments" as referred to in indicator 10 of the draft scoreboard. Israel also agreed with Spain, preferring consultation to a peer review, and felt that a report containing contradictory responses from Government and NGOs was not necessarily a bad thing as it served to highlight issues that needed to be addressed. Reports filtered by Governments would also breed scepticism.

Mr. Spina (Chair, CMS Scientific Council) agreed with the UK that the stakeholders added a fresh perspective, but they should not be given greater credence than governments. It was inevitable after the Scoreboard was published, that criticisms would be made.

There was further discussion over the use of the terms "hunting" and "sustainable" or "regulated use", with the representative of FACE objecting to the qualification of the word "hunting" with the word "legal". The representative of FACE also suggested amending the title of section 6 (dealing mainly with hunting legislation) to sustainable or regulated use. Other participants said that "hunting" was more readily understood than "sustainable use" and was often the term used in legislation and on licences. Slovakia suggested to use the word "Regulated use" in the title and keep the word "hunting" in the text for practical reasons. FACE agreed with this terminology suggestion. Malta agreed with Slovakia, highlighting the fact that a clear and robust hunting legislation is very important for fighting IKB. Israel highlighted the need to keep using the terminology of MIKT. It was finally agreed to use the term "regulated use" with reference to sustainable use of wildlife including hunting.

France said that the reference to overseas territories needed to be qualified to apply only to those within the geographical scope of the Task Force.

There was further discussion of the usefulness of including statistics for staff effort in the field (Indicator 19). It was not possible to compare the figures for countries of different sizes and it

was agreed that without a proper context the figures would be meaningless. However, while comparison between countries was difficult, such data might help track the progress made in individual States, even if there was no direct correlation of cause and effect (criminal incidents might decline even with less enforcement effort).

France pointed out that the 1,300 field-staff operating in the country had many tasks and assessing the percentage of their work dedicated to combatting illegal killing would be difficult.

As a compromise, the Chair recommended avoiding absolute figures and assess the adequacy of law enforcement.

Italy agreed with France and Hungary since it was not possible to use numbers but wondered if it would be worth collecting information, part of which could be used for purposes outside the Scoreboard.

Germany agreed with Hungary but suggested including a table with the options of sufficient/insufficient adequacy.

Spain disagreed with Germany since in Spain, there were 17 different enforcement bodies with many tasks so collating data on effort to combat illegal killing would be impossible.

CABS considered the numbers of dedicated persons on the ground the most important information needed in order to assess the investment on law enforcement efforts by each country.

Cyprus considered that the provision of numbers would be easy. One option was to offer countries the possibility of including the quantitative information if they wished to provide details. Birdlife and Euronatur supported this option.

It was agreed to follow Cyprus's suggestion to offer a voluntary comment for those wishing to provide specific figures. It would be easier to assess the number of staff available to combat illegal killing than to calculate person/hours. Malta, for instance, had a small core team which could call upon further assistance. The representative of Euronatur asked how the sufficiency of effort or staff deployment would be assessed.

Regarding Indicator 20 and the role of civil society, the representative of ENPE said that the constitutional arrangements of the countries varied. In Spain, France and Italy, any citizen could raise a complaint with an examining judge, whereas in other countries a member of the public had to go to the police and it was for them to decide whether to proceed. Alternative wording covering all constitutional arrangements was needed. It was agreed that the representative of ENPE would provide the Secretariats with the most appropriate wording.

Mr. Crampton recalled an NGO project with SEO, relating to pillar three of the Aarhus Convention, and a resolution calling for rights for NGOs to bring criminal cases. He suggested adding a reference to the Aarhus Convention but the Chair disagreed highlighting the fact that this Convention did not provide NGOs with access to justice.

In relation to indicator 28, FACE asked that the reference to NGOs being involved in highlighting cases should be extended to cover hunters' associations and not just conservation NGOs.

There was a discussion on the footnote referring to drivers on Indicator 25. The reasons behind illegal killing were complex and this complexity needed to be reflected in the footnote.

The Chair explained the next steps, saying that the Secretariat would prepare a new draft of the Scoreboard for circulation within a week of the meeting with a deadline of a further week for final substantive comments. The reason for the tight deadlines was to have the Scoreboard ready for the meeting of the Scientific Council.

## **7. The work of INTERPOL and EUROPOL in the fight against wildlife crime and its support to MIKT**

### **Cindy Chimal - INTERPOL**

INTERPOL was based in Lyon and had 35 regional bureaus worldwide. It worked in four official languages, English, French, Spanish and Arabic. It dealt with many types of crime and some were committed in international waters beyond the jurisdiction of any country, such as illegal fishing.

In response to the increase in environmental crime, a booklet had been produced and one of the greatest challenges was the “dark net”, as 96 per cent of the internet was hidden and this included sites selling illegal products such as specimens of protected species. A recent study had shown that tonnes of ivory were being sold in Europe online.

National Environmental Security Seminars were being held as it was important to have the police, judiciary and public all on board. Campaigns were also being conducted such as Operation Infra Terra and Operation Thunderbird which were publicized on World Environment Day.

INTERPOL provided technical support for Member States to help with their investigations and used a system of seven “colour notices” – red notices being effectively international arrest warrants - and an eighth category (Special Notices) being issued at the request of the UN Security Council.

All 190 members of INTERPOL had a Focal Point, usually based in the Ministry of the Interior or Justice. The response from INTERPOL to calls for assistance was tailored to the needs of the country making the request. There were also alternative channels available that allowed civil society to contact INTERPOL directly, if the official Focal Point was unwilling to raise a case.

### **Igor Jakupic - EUROPOL**

Mr Jakupic had been a customs officer in Croatia leading on environmental crime and was now working for EUROPOL, which was based in The Hague and was the EU’s law enforcement agency promoting European cooperation among police forces and other bodies. It did not undertake its own investigations. The Member States of the EU all had different approaches to environmental crime and sentences across the EU varied.

Each of the 28 EU Member States had a Focal Point and EUROPOL also maintained contact with third parties in non-EU countries.

Ms. Naves explained that capacity-building for enforcement was identified as a priority at the Cairo meeting, and implementing this would be facilitated by contact between the Secretariats and EUROPOL and INTERPOL. Some specific activities were foreseen, especially with INTERPOL and funding would be sought from the European Commission. National seminars would be held for enforcement officers and the judiciary and National Environmental Security steering groups and tasks forces could be established, with meetings for cross-border cooperation on specific cases. An e-learning facility could be made available.

## **8. Review of NGOs’ awareness and contribution to the Bern Convention Tunis Action Plan 2020**

Given the time constraints, it was decided not to hear presentations, but it was noted that the review of the questionnaire had been posted on both Conventions’ websites.

## **9. BirdLife review of illegal killing and taking of birds in Europe, the Arabian Peninsula, Iraq and Iran**

Willem van den Bossche of Stichting BirdLife Europe presented BirdLife International's review of illegal killing, which had initially concentrated on the Mediterranean but was being expanded to cover the rest of Europe (except for the Republic of Moldova and the Russian Federation) and would later cover the Middle East. He stressed that the results were at this stage preliminary and were not for wider circulation.

A project would be undertaken in conjunction with the MAVA Foundation related to the Tunis Action Plan and MIKT.

## **10. Recent developments on combating wildlife and forest crime in the Danube-Carpathian region**

Lynn Schlingemann from UNEP Vienna gave a presentation on the work of the Carpathian Convention, which covered seven countries of the Carpathian/Danube region, namely the Czech Republic, Hungary, Poland, Romania, Serbia, Slovakia and Ukraine. The Convention's 5<sup>th</sup> Conference of the Parties would be held in Hungary later in 2017.

The sturgeons of the region were threatened, and the Carpathians were the last refuge of large European carnivores.

A case study had been undertaken of bird-related crime in Serbia. The country's location made it a hotspot, with birds being smuggled into Italy, and it had been slow in signing up to international treaties.

## **11. Achieving Awareness of Illegal Trafficking – mobilizing the support of falconry communities**

Mr. Gary Timbrell of the International Association of Falconry (IAF) recalled that at the Cairo meeting it had been stressed that MIKT should seek to work with the IAF and its members represented in 86 countries.

Falconry was recognized by UNESCO as a part of cultural heritage, and research undertaken by the IAF had shown that collisions with powerlines rather than harvesting were the greatest driver in the decline of Saker Falcons. The IAF had also been instrumental in the establishment of the Peregrine Fund.

The IAF had memoranda of understanding with the UAE and more recently Pakistan and it was hoped that similar arrangements would be made with countries of the Levant and the Maghreb.

The IAF was participating in the Saker Falcon Global Action Plan (SakerGAP) coordinated through the CMS Raptors MOU and had pioneered artificial nesting sites. One area of dispute was with pigeon-fanciers and no lines of communication had yet been opened with them. With regard to Bonelli's Eagles, DNA tests had shown that some birds had been stolen from the wild but not by falconers.

The representative of Israel said that a blanket ban on training wild animals which prohibited dancing bears also applied to falconry. In Israel, the approach adopted was to ensure that falcons were protected in their natural environment.

## **12. Biosphere Reserves and Global Geoparks: UNESCO tools to achieve the SDGs and to Climate Action SDG 13 and Life on Land, SDG 15**

Miguel Clüsener-Godt of UNESCO said that his organization was the only UN body with the power to designate sites. Sites designated were split between natural World Heritage Sites



(28 per cent), Man and Biosphere Reserves (70 per cent) and Geoparks (2 per cent). The area of designated forests was the equivalent of three times the area of the United Kingdom; the area covered by MAB Reserves was approximately the same size as China.

MAB Reserves were made up of the core biosphere reserve with buffer and transition zones. There were 669 such reserves in 120 countries, and 200 million people lived in them.

The SDGs to which these reserves could contribute most were SDG2 (hunger), SDG4 (quality of education), SDG13 (climate action), SDG15 (life on land) and SDG17 (partnerships).

### **13. Funding for activities related to the implementation of MIKT POW and Bern Convention Tunis Action Plan**

This agenda item was not addressed due to lack of time; however, it was also noted that this item potentially merits sufficient allocation of time on the agenda of future meetings.

### **14. Preparations for the 37<sup>th</sup> Standing Committee Meeting of the Bern Convention**

Ms. Iva Obretenova (Council of Europe/Bern Convention) described the process by which Parties to the Bern Convention would adopt the Scoreboard through a recommendation to be considered at the 37<sup>th</sup> meeting of the Standing Committee. The draft recommendation included in the working documents package of the participants was succinct and well structured. She welcomed any comments or amendment proposals on the draft text.

The Chair invited plenary to endorse the revised draft Scoreboard in principle, subject to the amendments discussed at the meeting. He furthermore noted that this revised draft would subsequently be circulated for a final round of comments and be subject to some minor linguistic changes. He also invited the plenary to recommend that it be adopted by Bern and Bonn Conventions.

France suggested that reference be made to the CMS COP in the preamble of the Bern Convention draft Recommendation as the COP would take place before the Bern Convention Standing Committee.

The representative of BirdLife International sought clarification of the role of the present meeting in the process. Mr. Heredia explained that MIKT had clear terms of reference and modus operandi, and the role of the meeting was to agree on a final version of the Scoreboard. Thereafter, this final version would be submitted to both the Bern Convention Standing Committee and the CMS COP for endorsement. The representative of BirdLife International also suggested that it might be useful to present a populated version of the Scoreboard to the two decision-making meetings.

The representative of the UNEP/AEWA Secretariat pointed out that the CMS COP was a global body while the Scoreboard was for regional application, posing the question of how changes would be made to the Scoreboard and whether this would only be possible every third year at the CMS COP.

Germany thought that the proposed wording that the COP should “take note” of the Scoreboard was weak and recommended “adoption” and said that the COP could delegate responsibility for amending the Scoreboard to the Task Force.

Mr. Spina (Chair, CMS Scientific Council) pointed out that the Sessional Committee should have sight of the final draft. Mr Heredia said that the Secretariat would make every effort to make that possible but it might prove difficult to finalize the Scoreboard by the middle of July.

## **15. Preparations for COP12: Content of the new resolution on illegal killing, taking and trade of migratory birds**

Mr. Heredia (CMS Secretariat) said that the draft Resolution to be presented to CMS COP12 was now online. It contained references to the Cairo meeting, the Declaration and the commitment to zero tolerance, cooperation with INTERPOL and EUROPOL and to the present meeting. It also contained a proposal for an equivalent Task Force for Asia.

BirdLife International pointed out that the terminology agreed for MIKT regarding illegal killing gave rise to cultural problems in other parts of the world. In the East Asian-Australasian Flyway, the term “illegal hunting” was preferred. In response, the representative of Il Nibbio stressed the opposition of the hunting community to the use of the term “illegal hunting”.

## **16. Any other business (including date of next meeting)**

There was universal agreement that the meeting had been useful and that it made sense for the meetings on the Tunis Action Plan and MIKT to be held back-to-back.

No Party came forward to offer to host the next meetings and the Secretariats of the Bern and Bonn Conventions undertook to pursue options.

## **17. Closure of the meeting**

Mr. Heredia (UNEP/CMS Secretariat) said that he felt that a great deal had been achieved in a short time and that the outcomes of the meeting were positive, thanks to the constructive participation of those attending the meeting. He expressed his thanks to the Host Government and to the Chair of the meeting, to whom he presented a copy of the award-winning book “Survival: Saving Endangered Migratory Species”.

Ms. Obretenova (Council of Europe/Bern Convention) said that Malta had set the bar very high for future host governments.

The Chair said that the meeting had been constructive and had achieved what it set out to do. He thanked all participants for their engagement and he was heartened by the fact that much work was being done on the ground and progress was being made. The presentations had illustrated that practical solutions to the problem were available. Having thanked all those that had contributed to the organization and execution of the meeting, the Chair declared proceedings closed.

# **ANNEXES**

## ANNEX I – List of participants

### COUNTRIES

#### **Albania**

Ermal Halimi  
Biodiversity Directorate and Protected  
Areas, Ministry of Environment  
[ermal.halimi@moe.gov.al](mailto:ermal.halimi@moe.gov.al)

#### **Algeria**

Mohamed Hadjeloum  
Chef de bureau de la Gestion et de la  
Protection de la Faune Sauvage  
Direction Générale des Forêts  
[hadjeloum@yahoo.fr](mailto:hadjeloum@yahoo.fr)

#### **Bosnia and Herzegovina**

Nada Mlinar  
Executive Assistant for International  
Cooperation  
Ministry of Foreign Trade and Economic  
Relations  
[nada.mlinar@mvteo.gov.ba](mailto:nada.mlinar@mvteo.gov.ba)

#### **Croatia**

Maja Polic  
Nature Protection Inspector  
Ministry of Environment and Nature  
Protection  
[majapolic@mzoip.hr](mailto:majapolic@mzoip.hr)

#### **Cyprus**

Panicos Panayides  
Game Fund Service  
Ministry of Interior  
[panayides.gf@cytanet.com.cy](mailto:panayides.gf@cytanet.com.cy)

#### **Czech Republic**

Libuše Vlasáková  
Department for the Species Protection and  
Implementation of International  
Commitments  
Ministry of Environment  
[libuse.vlasakova@mzp.cz](mailto:libuse.vlasakova@mzp.cz)

#### **European Union**

Ludovic Le Maresquier  
Nature Policy Officer  
Directorate General for Environment  
Nature Unit  
European Commission  
[ludovic.le-maresquier@ec.europa.eu](mailto:ludovic.le-maresquier@ec.europa.eu)

#### **France**

Francois Lamarque  
Chargé de mission pour les actions  
européennes et internationales en faveur  
de la faune et de la flore sauvage  
Ministère de la Transition Ecologique et  
Solidaire, du Développement durable et  
de l'Energie  
[francois.lamarque@developpement-durable.gouv.fr](mailto:francois.lamarque@developpement-durable.gouv.fr)

#### **Germany**

Oliver Schall  
Division of Species Protection  
Federal Ministry for the Environment,  
Nature Conservation, Building and  
Nuclear Safety  
[oliver.schall@bmub.bund.de](mailto:oliver.schall@bmub.bund.de)

#### **Hungary**

Andras Schmidt  
Deputy Head of Department for Nature  
Conservation  
Ministry of Agriculture  
[andras.schmidt@fm.gov.hu](mailto:andras.schmidt@fm.gov.hu)

#### **Israel**

Simon Nemtzov  
Wildlife Ecologist and Coordinator of  
International Treaties  
Israel Nature and Parks Authorities  
[simon@npa.org.il](mailto:simon@npa.org.il)

#### **Italy**

Alessandro Andreotti  
Researcher  
National Institute for Environmental  
Protection and Research  
[alessandro.andreotti@isprambiente.it](mailto:alessandro.andreotti@isprambiente.it)

Claudio Marucci  
Head of Core Operating Antipoaching  
Officer  
Italian State Forestry  
[claudio.marucci@carabinieri.it](mailto:claudio.marucci@carabinieri.it)

## **Lebanon**

Jeff Gerges  
Environmental Specialist  
Ministry of Environment  
[j.gerges@moe.gov.lb](mailto:j.gerges@moe.gov.lb)

## **Malta**

Elaine Caruana  
Policy Coordinator Wild Birds Regulation  
Unit  
[elaine.a.caruana@gov.mt](mailto:elaine.a.caruana@gov.mt)

Bonnie Farrugia  
Environment Protection  
Officer Environment and Resources  
Authority  
[Bonnie.farrugia@era.org.mt](mailto:Bonnie.farrugia@era.org.mt)

Nicholas Farrugia  
Research Officer  
Wild Birds Regulation Unit  
[nicholas-peter.farrugia@gov.mt](mailto:nicholas-peter.farrugia@gov.mt)

Jessica Fenech  
Scientific Coordinator  
Wild Birds Regulation Unit  
[jessica.fenech@gov.mt](mailto:jessica.fenech@gov.mt)

Sergei Golovkin  
Head of Wild Birds Regulation Unit  
Parliamentary Secretariat for Agriculture,  
Fisheries and Animal Rights  
[sergei.a.golovkin@gov.mt](mailto:sergei.a.golovkin@gov.mt)

Mark Grech  
Economics Officer  
Ministry for the Environment, Sustainable  
Development and Climate Change  
[Mark.k.grech@gov.mt](mailto:Mark.k.grech@gov.mt)

Richard Lia  
Senior Manager  
Wild Birds Regulation Unit  
[richard.a.lia@gov.mt](mailto:richard.a.lia@gov.mt)

Godwin Mercieca Grech  
Senior Clerk, Wild Birds Regulation Unit  
[Godwin.mercieca-grech@gov.mt](mailto:Godwin.mercieca-grech@gov.mt)

Rosalie Mintoff  
Administrative Officer  
Wild Birds Regulation Unit  
[rosalie.mintoff@gov.mt](mailto:rosalie.mintoff@gov.mt)

Kenneth Portelli  
Inspector  
Wild Birds Regulation Unit  
[Kenneth.portelli@gov.mt](mailto:Kenneth.portelli@gov.mt)

## **Montenegro**

Marina Miskovic-Spahic  
Ministry of Sustainable Development and  
Tourism  
[marina.spahic@mrt.gov.me](mailto:marina.spahic@mrt.gov.me)

## **Poland**

Dorota Łukasik  
Expert, Nature Conservation Department  
General Directorate for the Environmental  
Protection  
[dorota.lukasik@gdos.gov.pl](mailto:dorota.lukasik@gdos.gov.pl)

## **Portugal**

João Loureiro  
Head of Unit  
Institute of Nature, Conservation and  
Forests  
[joaloureiro@icnf.pt](mailto:joaloureiro@icnf.pt)

## **Serbia**

Snezana Prokic  
Ministry of Agriculture and Environmental  
Protection  
[snezana.prokic@eko.minpolj.gov.rs](mailto:snezana.prokic@eko.minpolj.gov.rs)

Marko Tucakov  
[marko.tucakov@pzzp.rs](mailto:marko.tucakov@pzzp.rs)

## **Slovak Republic**

Ondrej Koporec  
Senior Police Investigator  
Department for Detection of Hazardous  
Substances and Environmental Crime  
Criminal Police Bureau  
[Ondrej.Koporec@minv.sk](mailto:Ondrej.Koporec@minv.sk)

## **Slovak Republic**

Rastislav Rybanič  
Director General  
Directorate for Nature, Biodiversity and  
Landscape  
[rastislav.rybanic@enviro.gov.sk](mailto:rastislav.rybanic@enviro.gov.sk)

## **Spain**

Rubén Moreno-Opo  
Subdirección General de Medio Natural  
Dirección General de Calidad y  
Evaluación Ambiental y Medio Natural  
Ministerio de Agricultura y Pesca,  
Alimentación y Medio Ambiente  
[rmorenoopo@mapama.es](mailto:rmorenoopo@mapama.es)

## **Tunisia**

Tahri Jamel  
Ingénieur principal à la Direction Générale  
des Forêts au Ministère de l'Agriculture,  
des Ressources Hydrauliques et de la  
Pêche.  
[tahri\\_jamel@yahoo.fr](mailto:tahri_jamel@yahoo.fr)

## **Turkey**

Fehmi Arikan  
Expert  
Department of Game Management  
General Directorate of Nature  
Conservation and National Parks  
Ministry of Forestry and Water Affairs  
[farikan@ormansu.gov.tr](mailto:farikan@ormansu.gov.tr)

Burak Tatar  
Wildlife Biologist  
Ministry of Forestry and Water Affairs  
[btatar@ormansu.gov.tr](mailto:btatar@ormansu.gov.tr)

## **United Kingdom**

Emma Phillimore  
Head of Wildlife Management and Crime  
Natural Environment Policy  
Department for Environment, Food and  
Rural Affairs  
[Emma.Phillimore@defra.gsi.gov.uk](mailto:Emma.Phillimore@defra.gsi.gov.uk)

David Stroud  
Senior Ornithological Adviser  
UK Joint Nature Conservation Committee  
[David.Stroud@jncc.gov.uk](mailto:David.Stroud@jncc.gov.uk)

## **OBSERVERS**

### **AEWA Secretariat**

Nina Mikander  
Associate Programme Officer  
[nina.mikander@unep-awea.org](mailto:nina.mikander@unep-awea.org)

### **AEWA Technical Committee**

Sidi Imad Cherkaoui  
Chair  
[imad.cherkaoui@gmail.com](mailto:imad.cherkaoui@gmail.com)

### **BirdLife International**

Nicola Crockford  
Senior International Species Policy Officer  
[nicola.crockford@rspb.org.uk](mailto:nicola.crockford@rspb.org.uk)

Vicky Jones  
Flyways Science Coordinator  
[vicky.jones@birdlife.org](mailto:vicky.jones@birdlife.org)

### **BirdLife Cyprus**

Martin Hellicar  
Director  
[martin.hellicar@birdlifecyprus.org.cy](mailto:martin.hellicar@birdlifecyprus.org.cy)

### **BirdLife Europe and Central Asia**

Willem Van den Bossche  
Senior European Nature Conservation  
Officer  
[willem.vandenbossche@birdlife.org](mailto:willem.vandenbossche@birdlife.org)

### **BirdLife Malta**

Nicholas Barbara  
Conservation Manager  
[nicholas.barbara@birdlifemalta.org](mailto:nicholas.barbara@birdlifemalta.org)

Janina Laurent  
[janina.laurent@birdlifemalta.org](mailto:janina.laurent@birdlifemalta.org)

### **CABS**

Andrea Rutigliano  
Enforcement Officer  
[cabs.italia@komitee.de](mailto:cabs.italia@komitee.de)

### **CMS Landbirds Working Group**

Olivier Biber  
Chair  
[olivier.biber@nosoiseaux.ch](mailto:olivier.biber@nosoiseaux.ch)

### **CMS Preventing Poisoning Working Group**

David de la Bodega  
Environmental Justice Program  
SEO/Birdlife  
[ddelabodega@seo.org](mailto:ddelabodega@seo.org)

### **CMS Raptors MOU**

Nick Williams  
Head of Coordinating Unit  
[nick.williams@cms.int](mailto:nick.williams@cms.int)

### **CMS Scientific Council**

Fernando Spina  
Chair  
[fernando.spina@isprambiente.it](mailto:fernando.spina@isprambiente.it)

### **ENPE**

Angus Innes  
Prosecutions Team Leader  
Environmental Agency  
[angus.innes@environment-agency.gov.uk](mailto:angus.innes@environment-agency.gov.uk)

### **EURAC**

Isidoro de Bortoli  
Researcher  
[isidoro.debortoli@eura.edu](mailto:isidoro.debortoli@eura.edu)

### **EURONATUR**

Stefan Ferger  
Project Management  
[stefan.ferger@euronatur.org](mailto:stefan.ferger@euronatur.org)

### **EUROPOL**

Igor Jakupic  
European Serious Organised Crime  
Centre, Operations Economic Crime,  
Environmental Crime, Customs  
Cooperation & Fraud  
[Igor.Jakupic@europol.europa.eu](mailto:Igor.Jakupic@europol.europa.eu)

### **Federation for Hunting and Conservation**

#### **European - Malta (FKNK)**

Joseph Perici Calascione  
President  
[jpcpers@gmail.com](mailto:jpcpers@gmail.com)

### **Foundation Il Nibbio**

Lino Farrugia  
Vice President  
[ceo@huntinginmalta.org.mt](mailto:ceo@huntinginmalta.org.mt)

Ferdinando Ranzanici  
[ferdinando.ranzanici@tin.it](mailto:ferdinando.ranzanici@tin.it)

### **FACE**

David Scallan  
Director of Senior Conservation Manager  
[david.scallan@face.eu](mailto:david.scallan@face.eu)

### **IAF**

Gary Timbrell  
Executive Officer  
[timbrell@iaf.org](mailto:timbrell@iaf.org)

Janusz Sielicki  
Vice President for Europe  
[sielicki@iaf.org](mailto:sielicki@iaf.org)

### **IMPEL**

Jacob Reijngoud  
IMPEL-ESIX  
[reijngoudconcept@gmail.com](mailto:reijngoudconcept@gmail.com)

John Visbeen  
Team Leader Expert  
Team Nature Protection  
[john.visbeen@provincie-utrecht.nl](mailto:john.visbeen@provincie-utrecht.nl)

### **INTERPOL**

Cindy Chimal  
Environmental Security  
[c.chimal@interpol.int](mailto:c.chimal@interpol.int)

### **IUCN**

Catherine Numa  
Center for Mediterranean Cooperation  
[catherine.numa@iucn.org](mailto:catherine.numa@iucn.org)

### **NABU**

Lars Lachmann  
Birds Officer  
[lars.lachmann@nabu.de](mailto:lars.lachmann@nabu.de)

### **Nature Conservation Egypt**

Noor A. Noor  
Executive Coordinator  
[noor@natureegypt.org](mailto:noor@natureegypt.org)

### **St. Hubert Hunters Malta**

Mark Mifsud Bonnici  
President  
[markmb@maltanet.net](mailto:markmb@maltanet.net)

**Tour du Valat**

Laura Dami  
Waterbirds Monitoring in the  
Mediterranean Region  
[dami@tourduvalat.org](mailto:dami@tourduvalat.org)

**UNEP-Carpathian Convention**

Margaretha Schlingemann  
International Expert  
[lynn.schlingemann@unvienna.org](mailto:lynn.schlingemann@unvienna.org)

**UNESCO**

Miguel Clüsener-Godt  
Chief of Section  
MAB Research and Policy  
Ecology and Biodiversity  
[m.clusener-godt@unesco.org](mailto:m.clusener-godt@unesco.org)

**UNODC**

Jorge Rios  
Chief of the Global Programme for  
Combatting Wildlife and Forest Crime  
[jorge.rios@unodc.org](mailto:jorge.rios@unodc.org)

**Bern Convention Secretariat**

Iva Obretenova  
Secretary of the Bern Convention  
[iva.obretenova@coe.int](mailto:iva.obretenova@coe.int)

Véronique de Cussac  
Administrative Assistant  
[veronique.decussac@coe.int](mailto:veronique.decussac@coe.int)

Nicholas Crampton  
Consultant to the Council of Europe  
[npdc@btinternet.com](mailto:npdc@btinternet.com)

Umberto Gallo-Orsi  
Consultant to the Council of Europe  
[umbertogo@gmail.com](mailto:umbertogo@gmail.com)

**UN Environment/CMS Secretariat**

Borja Heredia  
Head of Avian Unit  
[borja.heredia@cms.int](mailto:borja.heredia@cms.int)

Carmen Naves  
Coordinator MIKT  
[carmen.naves@cms.int](mailto:carmen.naves@cms.int)

Tine Lindberg-Roncari  
Meeting Services Assistant  
[tine.l-roncari@cms.int](mailto:tine.l-roncari@cms.int)

Robert Vagg  
Report Writer  
[robert.vagg@cms.int](mailto:robert.vagg@cms.int)