



RAPTORS
MOU

International Policy and Legislation

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Objective 4 Working Group Report: International Policy and legislation

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The purpose of the Report

Purpose: to gain an improved understanding of how the current legislative and policy background, and enforcement mechanisms could be reinforced with the support of the SakerGAP process, in order to gain more benefits for the conservation of the Saker Falcon.

The objectives of the Report

The objectives of the Report were

- i. Review international policy, legislation and guidelines in connection with the conservation and management of the Saker Falcon
- ii. Identify any overlaps, omissions and contradictions in existing laws, policies and guidelines and discuss in STF how to resolve them.
- iii. Investigate how STF support cooperative and supportive linkages between all levels of governance in order to avoid duplication of efforts or inconsistencies.
- iv. Investigate the possibilities of improving law enforcement and develop tools to do so in range countries so as to reduce the level of illegal taking, illegal trapping and illegal trade of wild Saker Falcons.

i. A review on international legislation

Data sources: Multilateral Environmental Agreements vs. National legislation

The Saker Falcon is listed on:

- CMS Appendix I, excluding the population from Mongolia which is included in Appendix II (as of August 2013);
- CITES Appendix II;
- Bern Convention Annex II;
- and the EU Birds Directive Annex I .
- CBD Strategic Plan for Biodiversity 2011-2020.

The Saker Falcon is protected or strictly protected in the great majority of Range Countries where it occurs regularly. This includes legal protection form disturbance, taking and killing.

IUCN and BirdLife International classify the species as ‘Globally Endangered’.

A review on international guidelines

Developed by	Guidelines title	Area covered
CITES, 2013a	Resolution Conf. 16.7: Non-detriment findings	Sustainable use and trade; non-detriment finding
CMS, 2011	Resolution 10.11 adopted including Guidelines on how to avoid or mitigate the impact of electricity power grids on migratory birds in the African-Eurasian region	Mitigation of electrocution and collision of birds
CBD, 2004	Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity	Sustainable use
CBD, 2004	The Ecosystem Approach	Adaptive management, sustainable use
IUCN, 2004 (Cooney)	The Precautionary Principle in Biodiversity Conservation and Natural Resource Management	Precautionary Principle
IUCN, 2002 (Rosser & Haywood)	Guidance For CITES Scientific Authorities: Checklist to assist in making non-detriment findings for Appendix II exports.	Non-detriment finding

ii. Overlaps, omissions and contradictions in existing laws, policies and guidelines

I. Overlaps (“Agreement”) between MEAs and national laws, policies and guidelines	Status in MEAs and in national laws and assessment of implementation
I.1 Species conservation	Areas which are <u>covered by similar MEA provisions or by national law</u> in most range countries but <u>only moderately implemented</u> due to the lack of capacity or political will.
I.2 Habitat conservation	
I.3 Trade regulations	
I.4 Law enforcement (illegal trapping, trade)	
I.5 Problem-driven research	
I.6 Monitoring of populations	
I.7 Awareness raising of Stakeholders	
I.8 Reporting	
II. Omissions (“Non-existence”) in MEAs and national laws, policies and guidelines	Status in MEAs and in national laws and assessment of implementation
II.1 Monitoring of the scale and methods of use of the Saker Falcon	Areas which are <u>not explicitly covered by MEA provisions or by national law</u> due to their specific character, therefore they are <u>not implemented sufficiently</u> in most range countries.
II.2 Individual identification and marking of <u>all</u> trapped Saker Falcons	
II.3 Effective registration of trapped Saker Falcons	
II.4 Genetic monitoring of wild Saker Falcon populations	
II.5 Incentives for sustainable use of the Saker Falcon	
II.6 Assessment of ecosystem services and socio-economic impacts	
II.7 Mechanisms to involve local communities in conservation	
II.8 Governance and mainstreaming	
III. Potential contradictions (“Disagreement”) between MEAs and national laws, policies and guidelines	Status in MEAs and in national laws and assessment of implementation
III.1 Use/harvest of wild Saker Falcons	Areas which are <u>covered by MEA provisions or national law</u> in most range countries, but <u>not effectively regulated or harmonised in favour of the Saker Falcon</u> .
III.2 Use of hybrid falcons that involve Saker Falcon line	
III.3 Habitat use (International conservation vs. national agricultural policies e.g. increased grazing pressure)	
III.4 Perverse incentives (International conservation vs. national agricultural policies e.g. supporting intensive agriculture)	

iii. How STF can support cooperative and supportive linkages between all levels of governance

- Promote enhanced implementation of overlapping provisions of MEAs and national laws, particularly in key range states.
- Offer advice and practical support, wherever possible to promote new policies relating to the conservation of the Saker Falcon.
- Support Range States in identifying contradictory policies and promote steps to encourage harmonisation.
- The STF can act in a coordinating role to identify joint solutions for common issues (e.g. in making non-detriment finding or for mitigating specific threats).

iv. Possibilities of improving law enforcement, reducing illegal use and enabling legal, sustainable use

- Improve the compliance-friendliness of regulatory design through the key determinants of compliance.
- Apply “Table of Eleven” key determinants of compliance. Determinants are grouped into *Spontaneous compliance dimensions, Control dimensions, Sanctions dimensions*.
- The actions regarding law enforcement should be designed on the basis of a complex socio-economic modelling and the proper engagement of stakeholders.
- Achieving full compliance with existing laws is unlikely. The role of the STF would be to improve the compliance with laws to a level what is not detrimental to the survival of the Saker Falcon.

Conclusions for the Saker Falcon Task Force

- Work towards the synergies of existing international and national laws in order to ensure that the whole range of tools is used for the benefit of the species.
- Develop such a synergistic and pragmatic legal and policy system that can potentially improve the present conservation status of the Saker Falcon in the long term through, inter alia, the controlled, legal and sustainable use of the species.
- Reduce omissions and contradictions between MEAs and national laws, policies and guidelines.
- Improve the compliance-friendliness of regulatory design through the key determinants of compliance, and the reduction of the assumed high level of illegal use by enhancing the effectiveness of law enforcement.

Thank you for your attention!

UNEP/CMS/Raptors/STF-Ws/4:

Compilation Report on WorkPlan Objectives 4-8, including a modeling framework for sustainable use of the Saker Falcon. Pp. 6-47.

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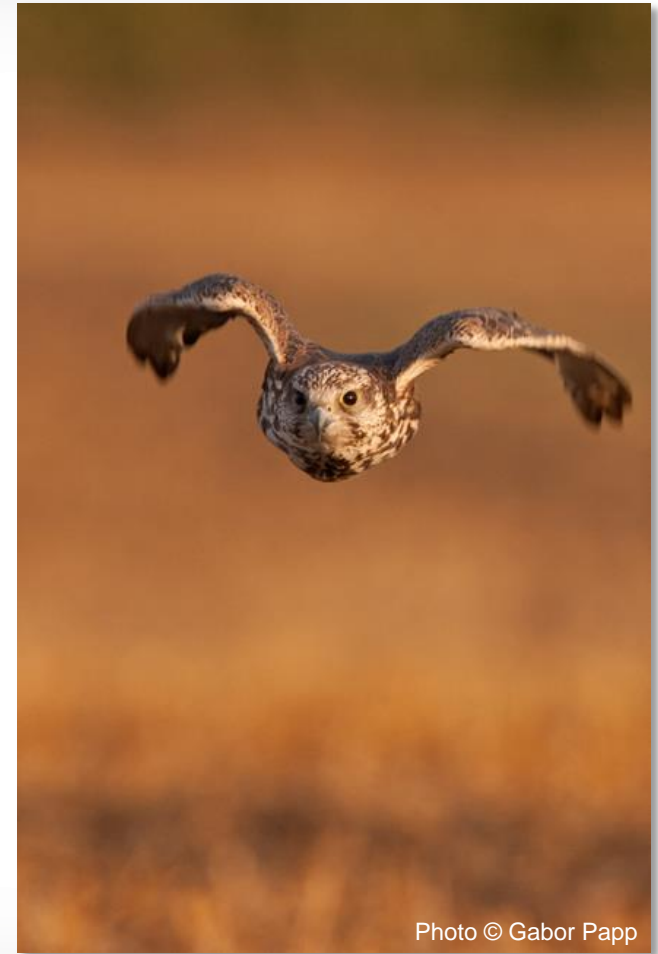


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