WORKSHOP ON NATIONAL IKB ACTION PLANS FOR NORTH AFRICAN COUNTRIES

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FORMAT FOR NATIONAL ACTION PLANS FOR ADDRESSING THE ILLEGAL KILLING, TRAPPING, TAKING, TRADE AND POISONING OF WILD BIRDS

The European Union was 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 - 2028.

Format for National Action Plans for Addressing the Illegal Killing, Trapping, Taking, Trade and Poisoning of wild birds

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Guidance document

This document is the product of our joint online Workshop on National Action Plans for the Illegal Killing of Birds (IKB), being organised on March 8-9, 2021. The event was attended by national conservation NGOs, government officials and other stakeholders. This guidance document outlines a proposed format and some of the steps to ensure the successful development and implementation of a National Action Plan for tackling the illegal killing, taking and trade of wild birds.

BirdLife Cyprus, EuroNatur & BirdLife International, 2021

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Introduction

A National IKB Action Plan (NAP) is an officially approved document, ideally by the national competent authorities, that includes appropriate activities to address the illegal killing, taking and trade of wild birds (IKB). Under the 'Rome Strategic Plan 2020-2030: Eradicating Illegal Killing, Taking and Trade in Wild Birds in Europe and the Mediterranean region' each member country of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and Bern Convention on the Conservation of European Wildlife and Natural Habitats has committed to assessing the need for a NAP to address IKB by December 2021, and if it is decided that there is a need, to develop and adopt one by December 2022, including a mechanism for its implementation.

In the development of a NAP, each country must identify those strategies and actions of the Rome Strategic Plan 2020-2030 (RSP) that are the most relevant to the situation of that country. The development and implementation of a NAP is a government led process, however the involvement of all relevant national authorities and stakeholders is strongly encouraged and is the key to the successful adoption and implementation of any NAP.

Although government authorities have primary responsibility to develop and to approve a NAP and to ensure effective actions to tackle IKB are undertaken, many stakeholders can support them and contribute to tackling IKB. Non-governmental and other expert stakeholders working regularly on this issue may have important knowledge and insights to offer in the process of NAP development as well as expertise and capacity to assist in its implementation. Ensuring the participation of a diverse range of stakeholders in the NAP process will maximise the likelihood of successful implementation. It will ensure that the NAP provides the most appropriate solutions to tackling the local and regional contexts within which IKB takes place. It will also ensure better acceptance and implementation of the Action Plan by all relevant stakeholders, once it is adopted. Finally, the range of stakeholders involved in the NAP development process form a NAP committee which, as envisaged in the Rome Strategic Plan can also guide and monitor implementation of the plan and are invested in its success. It is key that the NAP is monitored, evaluated, and reviewed in order to achieve the agreed objectives.

This proposed format was developed as an output of an online Workshop on National Action Plans for fighting against IKB. The event took place on March 8-9, 2021., and was organized by BirdLife Cyprus, EuroNatur, Birdlife Europe & Central Asia and BirdLife International as a joint effort of the "LIFE against Bird Crime", "Safe Flyways" and "Adriatic Flyway 4" projects.

The Rome Strategic Plan envisages that by September 2021 MIKT and Bern in consultation with countries and stakeholders will provide a format including guidance for the development and implementation of National IKB Action Plans. The content of the current document may

provide some useful ideas for that format and guidance. In addition, NGOs can use the suggested format and guidance in this document to support governments in this process.

As stated above, the government or competent authorities are the main actors to lead this process. However, in cases where there is a significant IKB issue and governments are unable to lead such a process, they may endorse the process, but delegate a lead/ coordination role to another agency or stakeholder. In cases where there is a significant IKB issue, but the government authority is unwilling to launch or lead such a process, or to endorse, but delegate the lead for the process to another entity, then NGOs may take a more prominent role in launching or leading a stakeholder-led process. However, it should be noted that this option rarely results in later adoption and implementation by governments and should therefore be an option of last resort (see 'Preconditions for developing a NAP' below).

The draft NAP format below comprises two parts:

1.) Guidelines on the step-by-step process for the NAP development

2.) NAP format: outline, proposed elements / thematic areas

1. Guidelines & process for the development and adoption of a NAP

Preconditions

- IKB is a problem in your country
- Evidence exists to verify this (monitoring data, reported incidents etc.)
- National authorities recognise that IKB is a problem and are ready to commit to engaging in NAP development and bringing stakeholders together in a NAP committee to embark on the process

Identifying the need for a NAP

- Each CMS/Bern Convention range country should go through a process of identifying the need for a NAP. If it is assessed as unnecessary to develop and adopt a NAP, the RSP requires the adoption of "*other relevant document, implementation tools or mechanisms which includes actions to address IKB*". The light version of a NAP can be a roadmap or a workplan, however the process for developing it should be similar to that described for the NAP.

Suggested Process

If preconditions are met, the process can start according to the following steps:

- Government or responsible authority designates main coordinator to drive the NAP development (e.g. competent authority, university, institute, NGO, law enforcement agency). Implementation of measures to address known IKB problems continues throughout NAP development with the NAP, once developed serving to augment, guide and better coordinate and monitor action to tackle IKB.
- Main coordinator (MC) launches process to identify stakeholders[1] to engage in the NAP committee to initially develop the NAP (e.g. game services/hunting associations, government bodies including enforcement authorities, interest groups, NGOs etc.) – multi stakeholder involvement to tackle wildlife crime issues is the ideal scenario. Annex 1 below provides a non-exhaustive list of relevant stakeholders. It is important to highlight that the selection of relevant stakeholders needs to be objective, transparent, and fair.
- Main coordinator establishes a NAP committee representing all (or the majority of) stakeholders and a governance structure and a Terms of Reference which includes envisaged regularity of meetings, how meetings / decisions will be conducted and documented, how NAP implementation will be funded, roles and responsibilities, and anticipated review and update process.
- Main coordinator designates party (or parties) responsible for preparing an 'IKB Status review' [see BOX below].
- NAP committee decides to which extent the NAP is going to address the different issues and IKB forms (e.g. poisoning, trapping, use of electronic devices, international trade, etc.) and the scope of taxa (birds, mammals, vertebrates etc.[2]). The NAP should take into account the national specifications of the problem to focus on the most relevant issues, but in general it is recommended that it provides a comprehensive framework and process to cover all nationally relevant elements of IKB.
- Main coordinator prepares a first draft of the NAP that is shared with the NAP committee for comments. Ensure that a timeline, goals, objectives, targets, and monitoring are part of the draft plan. This first draft should then be developed following discussion/ consultation amongst the stakeholders.
- Main coordinator incorporates the comments of the NAP committee and shares the second draft with all stakeholders. The consultation may take place online or (preferably) in a workshop setting.
- Main coordinator incorporates comments, inputs of the stakeholder workshop/ consultation and prepares a final version for approval by the NAP committee.

[1] The following manual contains useful guidance on stakeholder identification and engagement: https://www.biodiversa.org/706/download

[2] Although this document for the development of a NAP refers to the illegal killing of birds, the procedures and steps described here are also relevant to the illegal killing of other taxa.

- The approved version is endorsed by the government (forms of endorsement will vary) and shared with MIKT/ Bern.
- The NAP committee shifts focus to implementation of the NAP with regular meetings scheduled to drive implementation and discuss:
    - Whether additional stakeholders should be included for implementation
    - Funding of NAP implementation
    - Roles and responsibilities for NAP implementation
    - Cycle for NAP review, progress monitoring and reporting against targets
    - Feeding national experience into regional initiatives to monitor and support progress in tackling IKB such as the IKB scoreboard and the Rome Strategic Plan

The IKB national Status Review

The document will act as an introductory part of the NAP and the aim would be to draw together what is already known, rather than necessarily start something comprehensive as the problem is already recognized. It will describe:

- forms of IKB registered in the country (e.g. trapping of songbirds, robbing of raptors' nests, shooting of protected species, use of electronic calling devices alongside trapping, poisoning), key trade issues, the species affected by each form, the geographical distribution and drivers and if possible the relative importance of different IKB issues in terms of scale and conservation impact.
- legislation and possible weaknesses.
- enforcement structure, organizations, capacity and limiting factors.
- prosecution process: level of awareness of the judiciary, percentage of court cases ending with a conviction, etc. (as far as data allow).

Key things to remember during the entire process (including the actions required to meet the preconditions):

- Allow sufficient time for development (taking account of the need to involve stakeholders) and more importantly adoption of the NAP by stakeholders but maintain momentum; the process should not take years.
- Remember that there are plenty of 'no regret' measures that can be taken to address IKB in the country in parallel with NAP development and this process should not stall action on the ground
- International conventions, EU Commission etc. and commitments (like targets under the Rome Strategic Plan to reduce IKB by 50% in each country by 2030) provide a useful focus to help drive national efforts to develop and implement IKB NAPs
- To be effective the process must be transparent, inclusive, and democratic and should be evidence based, not biased by individual views or opinions without proper justification
- Establish systematic monitoring which can generate a baseline from which to measure effectiveness of implementation of the NAP in reducing the scale of the issue. This can be part of the Monitoring section of the NAP and need not take large scale capacity or funds if well designed with a good sampling strategy.
- Relate the NAP to the existing international and regional initiatives and action plans, in particular with:
    - Rome Strategic Plan 2020-2030: Eradicating Illegal Killing, Taking and Trade in Wild Birds in Europe and the Mediterranean region[3] and the related IKB Scoreboard to assess the progress in combating illegal killing, taking and trade in wild birds (IKB)
    - EU Roadmap towards eliminating illegal killing, trapping and trade of birds
    - Various recommendations have been developed under the Bern Convention that should be considered, including:
        - Recommendation No. 171 (2014) of the Bern Convention Standing Committee, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of wild birds
        - Recommendation No. 177 (2015) on the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds.

[3] More information regarding the Rome Strategic Plan (RSP) and the Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) can be found here. Prior to the RSP, the Tunis Action plan (2013-2020) had been adopted by the Bern Convention Standing Committee.

2. Suggestions for elements to include in any NAP (NAP template)

- Introduction / Executive summary
    - Should give justification of the importance of a NAP / current status of IKB in the country (threats, drivers, motivations), that it provides the structure to tackle IKB effectively including, where relevant, its undesirable effects on society (links with other crimes etc.)
    - Outline the process & mechanism undertaken in developing the NAP
    - Outline the stakeholders involved, their roles and the governance structure (summarizing the terms of reference agreed by the WG at the outset of the process).
- Vision of this NAP or key objectives / goal / targets (e.g. reducing IKB by 50% in each country by 2030, the commitment under the Rome Strategic Plan)
- Problem Tree: this will identify the causes and drivers of IKB in your country/region (see an example in Annex 2).
- Objective Tree: based on the causes / drivers identified above, it will show how the proposed solutions affect the different forms of IKB and will identify key thematic areas / specific objectives / elements / results [under each one what action should be undertaken].

- Objectives and actions (in table format) may include:
    - **Legislation framework & policy** (changes required in the law and regulations to improve enforcement, prosecution, or deterrence of penalties)
    - **Enforcement** (actions required to improve enforcement efficiency and efficacy such as training, resources, equipment, organization, networking with international processes, capacity building through international initiatives, use of existing toolboxes)
    - **Courts / Judicial** (actions necessary to improve prosecution and serving of justice such as evidence collection and handling protocols, guidelines for judges, etc.)
    - **IKB monitoring** (actions required to establish an IKB monitoring process incl. defining the objectives, developing a methodology, development of databases and the setting of a baseline). Aim to identify through the methodology the species affected, the IKB methods involved, the numbers of individuals affected, times of season, the conservation importance of IKB on these species etc.
    - **Communication / Environmental Education / Awareness raising** (incl. ecotourism, birdwatching potential, local community engagement)
    - **Monitoring & Evaluation** of NAP implementation (clearly identify targets, indicators and frequency of monitoring), while the outcomes of the evaluation process must have a regular and direct feedback to improve the NAP. Reporting plans nationally should be covered as well as any reporting obligations at international level such as the MIKT Scoreboard, reporting to European Commission (Article 12), Bern Convention or CMS

- **International dimension** – identifying where there are cross-border issues that need to be addressed including in collaboration with other countries and relating national efforts to international processes
- **Knowledge gap identification** - what else do we need to know to better understand the scale, types, drivers and potential solutions regarding IKB in the country (this may include research carried out in collaboration with universities for e.g. biological, social or legal research etc.)
- Identification of **capacity / training** needs in order to be better equipped to tackle IKB (this may link to international opportunities to offer and / or receive relevant training)
- **Fundraising** – what additional funds may be needed for different stakeholders to contribute to achieving the goals and how can these funds be secured?
- **Other type of actions (**e.g. Result-base payment scheme rewarding the presence e.g. the nesting of a species)

Objectives must be realistic & quantitative (where possible) and as a minimum reflect the ambition and timeframes of international goals and targets to achieve zero tolerance.

Actions must have: Priority, Timeframe, Responsible body and stakeholders described and possibly an indication of the *Financial resources required*. Actions must be *feasible*, but nevertheless *ambitious.*

- Consider for each objective and actions, how it will be implemented and monitored e.g. via a working group, NAP ad-hoc committee, a particular stakeholder. Rather than downscaling the ambition of the plan to fit current resources consider scaling ambition and urgency to match the scale of the problem, phasing work and integrating fundraising into the plan
- Do not forget to include for each objective (as required): training, resources (human & financial), best-practice exchange
- Funding for implementation and for recognition of contributions must be ensured

Acknowledgement

Thanks to all those many colleagues and workshop attendees who provided valuable comments and support to this document.

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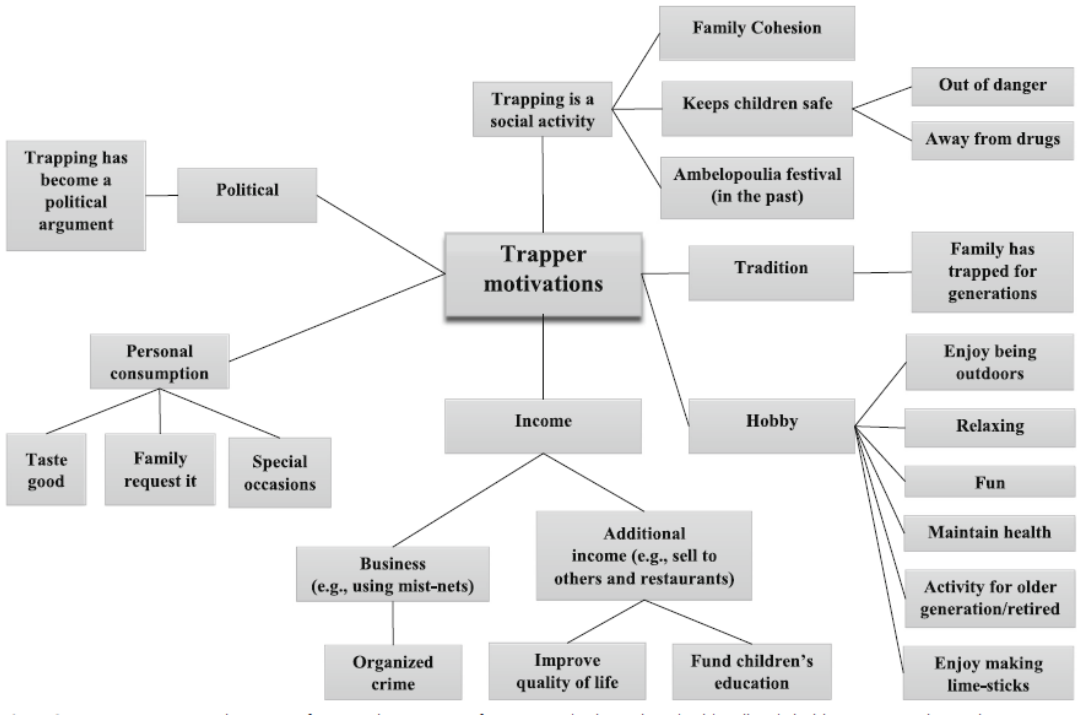
Annex 1 – List of possible stakeholders to engage in the development of a NAP

Appropriate stakeholders and national authority structures will differ greatly between countries, but the below are some examples:

- Ministries:
    - Ministry of Environment
    - Ministry of Agriculture (hunting inspection)
    - Ministry of Public Order/Ministry of Interior
- Decentralised or local authorities:
    - Enforcement agencies
    - Forestry Service/ national parks service
    - Border Police & Customs administration
    - Veterinary services (e.g. for poisoning)
- Judiciary / Courts (Judges, Prosecutors)
- Environmental NGOs
- Hunting associations, clubs and hunting tourism operators
- Animal rights organisations
- Scientific community:
    - Universities, research institutions
    - Scientific associations
- Authorities managing protected areas
- Educational community (Educational Directorates, Environmental Educational Centres, schools etc.)
- Communities surrounding protected areas
- Land users and livestock breeders (re: poisoning)
- Care and rehabilitation centres for injured wildlife
- Tourism professionals
- Pet shop owners (e.g. for bird pet trade)

Annex 2 - Example of problem tree



This diagram summarises the range of potential motivations for trapping birds, as described by all stakeholder groups in the study. (The diagram is taken from the publications with title '*Exploring differences in stakeholders' perceptions of illegal bird trapping in Cyprus paper*' (Jenkins *et al.* (2017) Journal of Ethnobiology and Ethnomedicine 13(1):67)