



## **Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds and the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean**

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### **GUIDANCE FOR THE DEVELOPMENT AND IMPLEMENTATION OF NATIONAL ACTION PLANS AGAINST THE ILLEGAL KILLING, TAKING AND TRADE OF BIRDS**

**Summary:**

This document provides guidance for the development and implementation of National Action Plans (NAPs) against the illegal killing, taking and trade of wild birds (IKB).

MIKT members and the Standing Committee of the Bern Convention endorsed this document in 2022.



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.



## GUIDANCE FOR THE DEVELOPMENT AND IMPLEMENTATION OF NATIONAL ACTION PLANS AGAINST THE ILLEGAL KILLING, TAKING AND TRADE OF BIRDS

(Based on a document prepared by Carmen Naves Muñoz and reviewed by the CMS Secretariat)

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### Summary:

This document provides guidance for the development and implementation of National Action Plans (NAPs) against the illegal killing, taking and trade of wild birds (IKB). This activity implements Action a) under the objective *National IKB Action Plans* and the 2030 target “*National Action Plans are developed and adopted and are being implemented in all countries*” of the *Rome Strategic Plan on Eradicating Illegal Killing, Taking and Trade in Wild Birds in Europe and the Mediterranean region 2020-2030*.

MIKT members and the Standing Committee of the Bern Convention endorsed this document.



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 2018 - 2023. 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.



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## **ACRONYMS**

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AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds.
CMS	Convention on the Conservation of Migratory Species of Wild Animals.
COP	Conference of the Parties.
ENPE	European Network of Prosecutors for the Environment.
EU	European Union.
IKB	Illegal Killing, Taking and Trade in Wild Birds.
ILO	International Labour Organization.
MIKT	Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean.
MITECO	Ministry for the Ecological Transition and the Demographic Challenge of Spain.
NAP	National Action Plan.
NAPHS	National Action Plan for Health Security.
NGO	Non-Governmental Organization.
POW	Programme of Work.
RSP	Rome Strategic Plan 2020-2030: Eradicating Illegal Killing, Taking and Trade in Wild Birds in Europe and the Mediterranean Region.
SFP	Special Focal Points.
TAP	Tunis Action Plan 2013 – 2020.
TIFIES	Spanish Action Plan against the Illegal Trafficking and International Poaching of Wildlife Species (Plan de Acción Español contra el Tráfico Ilegal y el Furtivismo Internacional de Especies Silvestres).
UN	United Nations.
UNEP	United Nations Environment Programme.
UNFCCC	United Nations Framework Convention on Climate Change.
UNODC	United Nations Office on Drugs and Crime.
UNSCR	United Nations Security Council Resolution.

## **EXECUTIVE SUMMARY**

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Tackling the multi-faceted challenge that is IKB requires political commitment and an effective strategy against the Illegal Killing, Taking and Trade in Wild Birds (IKB). Developing an IKB National Action Plan (NAP) is an important tool in the fight against IKB and facilitates the creation of a multi-stakeholder platform for an effective collaboration and exchange of information. IKB NAPs are intended to identify and prioritize the strategies and actions of the Rome Strategic Plan (RSP) most relevant to a country, aligning or enhancing its actual policies and tools to the RSP, based on a zero-tolerance approach to IKB.

This document aims to assist countries to achieve the RSP's Vision 2020-2030 and build an effective strategy against the numerous IKB challenges. In all its elements, this guidance gives due regard to the specificities of national IKB contexts, acknowledging that Governments have in place different legislation, policies, and initiatives to tackle IKB.

## **1. INTRODUCTION**

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### **1.1. Background**

The Rome Strategic Plan 2020-2030 on Eradicating Illegal Killing, Taking and Trade in Wild Birds in Europe and the Mediterranean Region (RSP) is the common strategic framework of the Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) of the Convention on the Conservation of Migratory Species (CMS), and the Bern Convention Network of Special Focal Points (SFPs) on Eradication of Illegal Killing, Trapping and Trade in Wild Birds.

The RSP calls for maintaining and strengthening the zero-tolerance approach to Illegal Killing, Taking and Trade in Wild Birds (IKB), with an overarching long-term goal focused on the eradication of IKB within the geographic extent of the Bern Convention and the CMS MIKT. The Vision of the RSP is translated into one process-oriented objective and five results-oriented objectives.

The process-oriented objective deals with National Action Plans (NAPs), for these to be developed, adopted and implemented in all countries by a multi-stakeholder group. The strategic objectives are the following:

- Objective 1: Understanding the scale and scope of, and motivations behind IKB;
- Objective 2: Establishing an active prevention of IKB;
- Objective 3: Ensuring IKB is addressed effectively and efficiently in national legislation;
- Objective 4: Undertaking the effective and efficient enforcement of relevant legislation;
- Objective 5: Imposing effective and efficient justice for IKB-related offences.

### **1.2. Purpose and Use of this Guidance**

The mandate for the development of this document comes from the RSP, which called on the Bern Convention Secretariat and the MIKT Coordinator of the CMS Secretariat to provide a format and guidance for the development and implementation of National Action Plans to address the IKB issues (IKB NAPs).

This document is meant to be used by the government institutions and stakeholders involved in designing, implementing, monitoring and evaluating an IKB NAP.

This guidance is indicative, meaning that the use of this document is not mandatory or a requirement under CMS or the Bern Convention.

### **1.3. Main Sources Considered**

During the preparation of this document, the following documents were considered:

- [Considerations for the Way Forward on Preparing a Format and Guidance for the Development and Implementation of National IKB Action Plans](#), discussed during the Joint Meeting of the Bern Convention Network of SFPs on Eradication of IKB and the CMS MIKT in June 2021 (Document UNEP/CMS/MIKT4/Doc.8).
- AEWAs Conservation Guidelines No. 1 - [AEWA Guidelines on the Preparation of National Single Species Action Plans for Migratory Waterbirds](#) (TS No. 15).
- Draft Revised Format and Guidelines for AEWAs International Single and Multi-species Action Plans (as outlined in document [AEWA/MOP8.23](#)) and Revised format of AEWAs International Single and Multi-Species Action Plans (document [AEWA/MOP 7.22](#), adopted through AEWAs Resolution 7.5).

- [Format for National Action Plan for Addressing the Illegal Killing, Trapping, Taking and Poisoning of Wild Birds](#) prepared by Euronatur, Birdlife Cyprus and Birdlife International (UNEP/CMS/MIKT4/Inf.12).

A reference section at the end of the document contains the list of the additional material consulted in the preparation of this document including the existing IKB NAPs.

## 2. DEFINITION AND KEY FEATURES OF IKB NAPs

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IKB NAPs are national policy strategies that operate over the short, medium or long term and outline concrete activities to prevent, combat and eradicate IKB at national level. Such NAPs generally have common features (Table 1) that help ensure their success.

**Table 1** Key features recommended for any IKB NAP.

IKB NAP feature	Description
1. Participatory and inclusive	An action planning process should be a transparent process with active multi-stakeholder participation to ensure acceptance and effective implementation of a NAP and a shared sense of ownership.
2. Sustainable	A NAP should be designed to implement changes in practice that will persist beyond the lifespan of the plan.
3. Clear	A NAP should define tangible goals and objectives, clear actions and the timeframe for their implementation, the responsibilities of the actors involved as well as the costs and funding needs.
4. Comprehensive	An IKB NAP should aim to address all IKB issues in the country.
5. Realistic	A NAP planning process should be context-specific: both processes and content of NAPs need to respond to national contexts and match their ambition to the scale and impact of the issue.
6. Coherent	An IKB NAP is intended to identify the strategies and actions of the RSP that are the most relevant to the situation of the country. Additionally, the NAP should include actions that are ambitious, fall within the competencies and capacities of the responsible actors, and are achievable by those actors in light of the ambitions articulated.
7. Flexible	An IKB NAP should be responsive to the changing circumstances of the country. Hence, it is important that the NAP envisages mechanisms for on-going monitoring and periodic review to facilitate the adaptation of the plan to emerging challenges.

### 3. IKB NAP DEVELOPMENT PROCESS

Before embarking on an IKB NAP process, and taking into account the fundamental principles of the agreed ‘zero-tolerance’ approach towards IKB ([Cairo Declaration](#)) and the vision of the Rome Strategic Plan 2020-2023, it is essential to start evaluating whether the scope and scale of IKB at national level is serious enough to justify the need to develop a NAP “or other relevant document implementation tools or mechanisms which includes actions to address IKB”, as mandated by the RSP.

As a second prerequisite to ensure a fully integrated planning process in line with a ‘One Plan Approach’, it is recommended that the leading team/agency conducts a first stakeholder analysis, with the intent to call upon relevant core stakeholders to be involved in the planning and coordination mechanism, to form a ‘NAP Committee’ (see 3.1).

As one of the first actions of the NAP Committee, it is recommended to conduct or commission a preliminary study involving relevant stakeholders that will provide a national overview to gain a good understanding of the magnitude of the IKB incidents. This assessment should be a consultative exercise that builds on expert judgement and the best available data including reported incidents, monitoring data gathered at different scales by different actors and any relevant input from a broad range of actors.

In the preparation of an IKB NAP, countries may wish to follow a process involving four major steps (Table 2, and sections below).

**Table 2** Brief overview of the steps and outcomes of the IKB action planning process.

Steps	Outcomes
1: Setting up a multistakeholder coordination mechanism	<ul style="list-style-type: none"> <li>▪ NAP Committee</li> </ul>
2: Analysis and drafting of the NAP	<ul style="list-style-type: none"> <li>▪ Stakeholder engagement plan</li> <li>▪ Problem tree</li> <li>▪ Objectives tree</li> <li>▪ Logical framework</li> <li>▪ Setting goals and targets</li> </ul>
3: Implementation, reporting and monitoring of the NAP	<ul style="list-style-type: none"> <li>▪ Implementation of plan by stakeholders</li> <li>▪ Regular reporting of progress to the NAP committee</li> <li>▪ Monitoring progress against NAP goals and targets</li> </ul>
4: Evaluation	<ul style="list-style-type: none"> <li>▪ Outcomes</li> <li>▪ Lessons learned</li> <li>▪ Possible adjustments of the NAP in response</li> </ul>

‘No regret’ actions by all stakeholders to tackle IKB should continue throughout the period during which any preliminary studies are being undertaken, while the NAP committee is being set up and while any NAP is being developed.

#### 3.1. Step 1 – Setting up a Coordination Mechanism

The first step in the national action planning process is to set up a clear and well-functioning coordination mechanism that will ensure communication, alignment and collective decision-making between the multiple actors participating in the process.

For that purpose, it is recommended to establish an IKB NAP Committee that will lead the NAP development process as well as guide and oversee its implementation.

The NAP Committee should be composed of the designated representatives of relevant Ministries (e.g., through a formal cross-ministerial and/or cross-departmental agreement) including local government representatives, alongside other relevant stakeholders. Relevant ministries are likely to include (but not necessarily be limited to):

- the Ministry of Environment, also acting as chair of the Committee;
- the Ministry of Interior; and
- the Ministry of Justice.

Other relevant stakeholders may include (but not be limited to):

- Relevant research institutes / Universities
- Relevant NGOs working on IKB
- Hunting associations

Among the representatives of the ministries, the Ministry of Environment is likely to be the lead authority although they may delegate the role of coordination of the NAP to any stakeholder. Within the multi-stakeholder NAP committee, it may be appropriate to form a small multistakeholder NAP coordination group and develop TOR to clarify how the committee will operate including the periodicity of its meetings (e.g., once every one to two months over a one-year period).

The roles and responsibilities of its members should also be clearly defined from the outset. It might be useful to set up a function (e.g., housed in the Ministry of Environment) that will ensure logistical support and assistance to the organization and running of the activities during the action planning process. It should also be defined who will coordinate the work and chair the meetings.

### **3.2. Step 2 – Analysis and Drafting Stage**

#### **3.2.A. Stakeholder Analysis and Engagement Plan**

The degree to which all relevant stakeholders beyond those already involved in the NAP Committee participate in the NAP process will determine, amongst other things, the legitimacy and effectiveness of a NAP. Therefore, it is key to ensure their participation from the outset of the NAP process. Such analysis will help map the different stakeholders according to the level of influence and their potential contribution. This exercise will facilitate a better understanding of their needs and interests as well as a better decision-making process.

#### **Box 1: Stakeholder groups for IKB issues**

A stakeholder is anyone (individuals, groups or institutions), who is independent<sup>1</sup> from the government and might be impacted, has an interest of any kind in, and/or has a power to influence the outcomes of the NAP.

Additionally, there are certain stakeholders that might be particularly interested:

- **Stakeholders who are / have been actively involved in any IKB issues.** They will be able to provide valuable data about the national deficiencies to be addressed.
- **Stakeholders linked to drivers.** The motivation from perpetrators to break the law related to wild birds is often based on cultural and/or financial grounds. The drivers behind this are shared with groups of law-abiding citizens who can have direct access to perpetrators and therefore a certain power to influence them (e.g., legal hunters). Other groups (e.g., civil society organizations) use communication campaigns to address the drivers behind IKB issues, thus providing political pressure towards the full implementation of a NAP.

A non-exhaustive list of potential stakeholders<sup>1</sup> to consider is included in Annex I of this document.

Secondly, the stakeholders' interests need to be identified and their power and influence defined. The IKB NAP Committee should bear in mind how the level of interest and the power of influence can make the stakeholder contribute in different ways either as a champion, a supporter, a silent opponent, or a blocker (Figure 1).

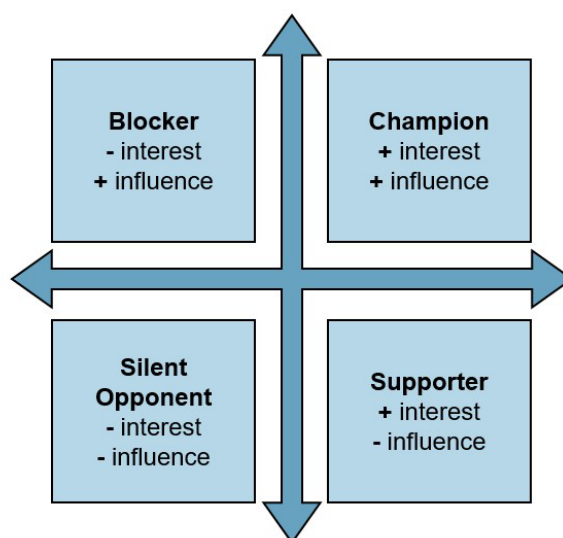


Figure 1 Stakeholder analysis: influence-interest matrix

Thirdly, the ideal interaction with each stakeholder should be defined in order to establish the best engagement strategy that will operate during the NAP process. A stakeholder engagement plan<sup>1</sup> could be helpful in preparing a stakeholder analysis and engagement strategy.

The stakeholder analysis should also be a participatory process. There is a range of consultation and participation techniques available to use during the mapping exercise depending on the needs and circumstances (e.g., multi-stakeholder workshops (see section 3.2.B), focus groups/forums, case studies, public hearings, targeted interviews and/or surveys). These tools are explained further in the stakeholder participation techniques in Annex II of this document, including their advantages and disadvantages.

### 3.2.B. Action-Planning Workshops

A crucial element in ensuring the early involvement of the relevant governmental agencies and stakeholders in any action-planning process is the organization of multi-stakeholder action-planning workshops. With an open process approach, these workshops will pay attention to the process, content, and interpersonal dynamics of the discussion at the same time.

An Open Process Workshop is an interactive and qualitative method where the actors (governmental representatives and stakeholders with different but complementary roles) are placed in a position of interaction in a specific constructive and strategic decision-making process of mutual learning<sup>2</sup>.

Once a stakeholder engagement plan has been generated, the Secretariat of the IKB NAP Committee may convene a planning workshop when necessary. Focal Points of the relevant governmental authorities as well as the Focal Point of each stakeholder listed in the stakeholder

<sup>1</sup> An example of a stakeholder engagement plan is available here: <https://www.globalhealthlearning.org/sites/default/files/page-files/SampleStakeholderEngagementPlan.pdf>

<sup>2</sup> Advice and checklists for a successful group discussion can be found here: <https://ctb.ku.edu/en/table-of-contents/leadership/group-facilitation/group-discussions/checklist>

engagement plan may be invited to attend the workshop or alternatively to appoint a representative to attend the workshop.

The framework of interaction of the workshops is fixed in advance. Firstly, the actors are brought together for a critical brainstorming session based on a scenario built from real cases of IKB. Secondly, the participants work together to develop a proposal for intervention. The objective is to move the participants from critical attitude to constructive action. Participants are expected to develop new ideas to overcome barriers and provide proposals about opportunities related to the topic under discussion.

The participants are encouraged and guided by a workshop leader (facilitator) who promotes an inclusive participation and develop a logical argument to overcome possible tensions. The facilitator provides focus, increases efficiency, fosters inclusive decisions and assures the desired outcomes are achieved.

It is important that the facilitator is a neutral party who will design a fair, inclusive and open process to achieve synergy and improve productivity while creating a safe environment in which all group members can fully participate.

The facilitator can provide the following services: meeting preparation and creation of agendas (in close cooperation with the Secretariat of the IKB NAP Committee), targeting and focusing discussions using the most appropriate facilitation techniques<sup>3</sup>, assuring balanced participation, time management, recording and documenting issues and needs, making recommendations and assisting with the public input meetings. Annex III contains recommendations for aspects to consider by facilitators of an Open Process Workshop.

### 3.2.C. The Problem and Objectives Trees

Before entering the NAP drafting stage, it is recommended that a problem tree (Figure 2) is defined using a cause-effect relationship of threats to identify root problems and explain how IKB impacts all wild bird species in the country<sup>4</sup>.

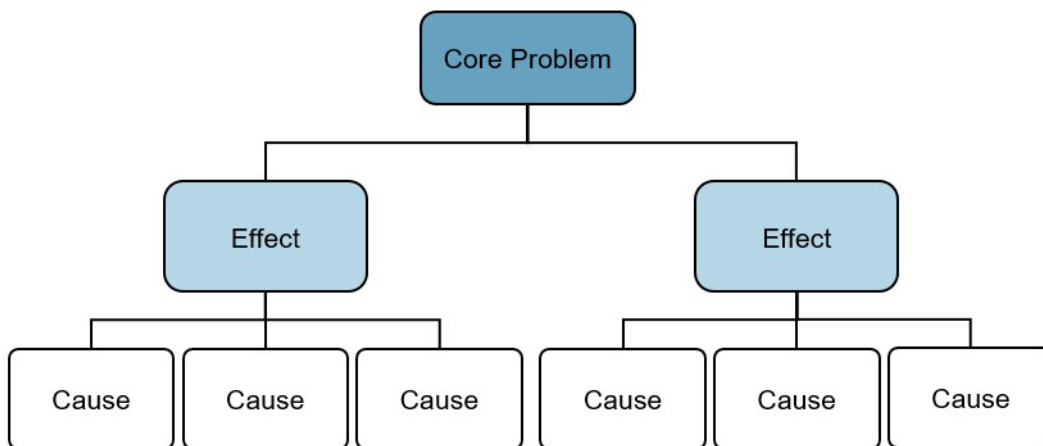


Figure 2 Structure of a problem tree

Whenever possible, the problem tree should identify key threats and consequences affecting the target species. Ideally, it should include as many groups of birds (e.g., songbirds, waterbirds, birds of prey, etc.) as possible that are affected by IKB.

<sup>3</sup> <https://ctb.ku.edu/en/table-of-contents/leadership/group-facilitation/group-discussions/checklist>

<sup>4</sup> For species affected by IKB activities, special consideration will be given to species included in CMS Appendix I (endangered migratory species) and Appendix II (migratory species conserved through Agreements) as well as Appendix II (strictly protected fauna species) and Appendix III (protected fauna species) of the Bern Convention.

Threats (causes) and consequences (effects) can be identified in descending order using as many levels as necessary, starting from illegal activities taking place (e.g., poaching or illegal trapping in key stopover sites during migration) to subsequently determine common drivers or immediate causes (e.g., demand as food in restaurant) and root causes (local cultural traditions prevail over law enforcement). Annex IV of this document includes an example of a problem tree from a specific case study.

The problem tree can be converted into an objectives tree (Figure 3) by rewording each of the effects into positive desirable outcomes (e.g., “poor law enforcement” becomes “law enforcement is enhanced”). Consequently, root causes and consequences are turned into root solutions (Figure 4). In this way, the objectives will provide a basis for the actions’ definition during the drafting stage of the NAP process.

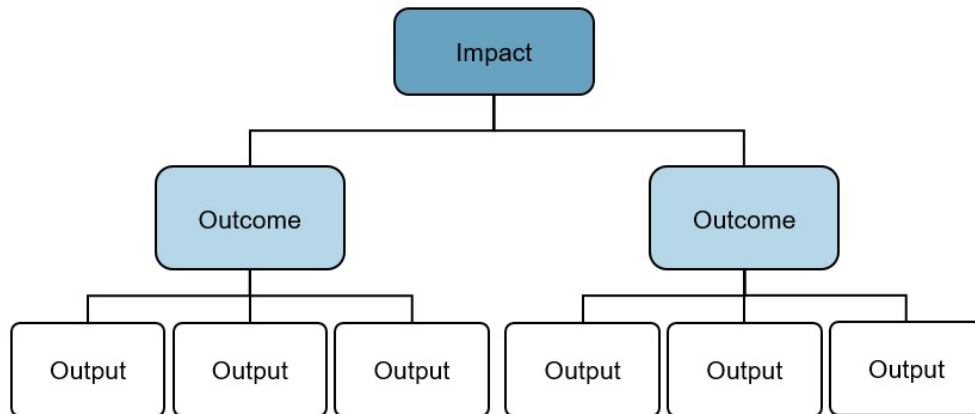


Figure 3 Structure of an objectives tree

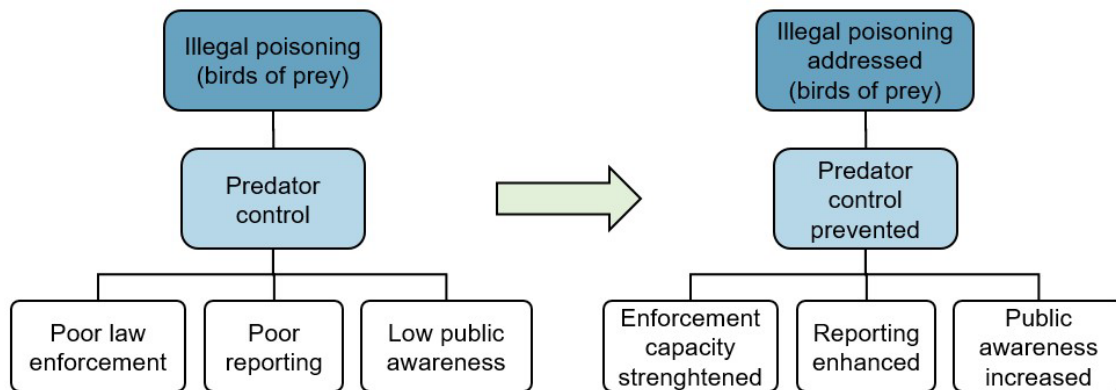


Figure 4 Example for developing an objectives tree (right) from a problem tree (left)

### 3.2.D. Developing the Logical Framework

This stage consists of developing the NAP’s implementation matrix by the NAP Committee. Activities in this phase should build upon the results of previous situation analyses such as the problem and objectives trees. The IKB NAP Committee may also evaluate the need to convene workshops to assess in more detail the national context to better structure a national strategy against IKB.

There are several questions the IKB NAP Committee may wish to consider during any facilitated discussions with stakeholders (see Box 2).

### **Box 2: Material for discussion with stakeholders in the NAP drafting stage**

- What are the most successful strategies to tackle IKB that have been implemented to date in the country or internationally? What made them successful? How were they funded? What lessons can be learned from them?
- What lessons can be learned from those interventions that have been tried in the country and were less successful?
- What lessons can be learned from initiatives in other countries?
- What other initiatives are ongoing in related sectors (such as nature conservation) that could be linked to activities in the NAP?
- Should implementation be done on a national basis, and/or extending specific actions to international collaboration with other countries sharing similar IKB problems, or on a regional scale? If a regional approach is preferred, due to logistics, resources, or other reasons, what criteria should be used to set priorities (e.g., IKB hotspots, stopover sites for migratory birds, areas that are most accessible, and areas that are most receptive to interventions or education)? A regional approach to the IKB problem might need to be included in the NAP, particularly to consider migratory species that cross jurisdictional boundaries regularly.
- Who needs to agree to / not oppose these planned actions? Who would actively champion these activities, if necessary?
- Do the key implementing actors have adequate capacity to support the required activities? If not, what options are available to address critical capacity gaps?

It is recommended that the NAP logical framework includes the following information (Annex V of this document offers a template example):

#### **a) Objectives**

Strategic objectives should be clearly defined, realistic, achievable and measurable. They should also be aligned with the RSP, with existing national policies and programmes as well as relevant regional and international treaty commitments.

#### **b) Actions**

Once the general strategy has been identified by setting up the priorities and objectives, the IKB NAP Committee should formulate the sequence of SMART (Specific, Measurable, Actionable, Realistic, and Time Bound) actions required to achieve the respective strategic objective, thus facilitating the estimation of costs, the responsible actors involved, and the implementation and monitoring of the action.

For example, the activity: “promote a better understanding of bird crime among prosecutors and police officers” is not a SMART activity. It lacks key information, such as how this action will be implemented; whether training is foreseen; where the training will take place (only in the capital or at local level), how long the training will be, etc. A SMART activity would state, for example: “Organize five three-day training sessions on IKB for 100 prosecutors and investigators who have current responsibilities for bird/wildlife protection enforcement in regions A, B and C”. This description is more specific and allows the estimation of costs of travel and accommodation as well as the resources needed to organize the training.

The template in Annex V includes a column for the “group of actions” and another column for “actions”. The category “group of actions” allows to organize certain types of actions/projects that serve a specific outcome. In the column of “actions”, it is proposed to include those individual actions and/or projects to be implemented.

### c) Responsibilities

Each particular action should be linked to the responsible actor(s) who will be accountable for implementing an activity and oversee its implementation with the support of relevant stakeholders.

The responsible actors should make the necessary amendments in the implementation timeframe through an effective process of monitoring and evaluation, if needed.

### d) Outcomes and indicators

The outcomes are direct consequences of successfully implemented actions. They shall be linked to one or more indicators to measure its implementation progress and identify any issues that would require amendments to the NAP.

A combination of qualitative (e.g., level of capacity of police forces to combat IKB) and quantitative indicators (e.g., the number of police officers deployed on the ground, or the change in the percentage of police officers on the ground) can be used to monitor implementation of the NAP. However, it is strongly recommended to use as many quantitative indicators as possible since they offer more SMART data and accordingly, more precise information to measure effective changes made against the baseline.

It is recommended to consider the indicators included in the RSP and their means of verification for each 2030 target since they provide a useful guidance. Box 3 includes some examples of indicators that might be useful for IKB purposes.

#### Box 3: Some useful indicators of IKB

- Percentage of hotspots inspected;
- Ratio of reported IKB incidents to investigated cases;
- Percentage of enforcement officers trained per year in IKB-related aspects;
- Number of changes of legislation to address IKB with a proportional, dissuasive and effective approach;
- Number of arrests for IKB-related offences and subsequent prosecutions;
- Efficiency and effectiveness of measures undertaken to address socio-economic drivers of IKB;
- Number of communication campaigns and strategies targeting IKB;
- Percentage increase of staff deployed by law enforcement agencies to combat IKB on the ground;
- Percentage increase of sustainable and alternative livelihoods.

### e) Timeline

The IKB NAP Committee should also define a realistic timeline for the implementation of the NAP. Timeframes will take into consideration certain issues such as the following:

- the availability of funding;
- changes in the political environment; and
- any predictable external circumstances that are likely to have an impact on planned activities.

Considering the urgency that is required to address IKB, actions should be planned for an initial period of five years. After the first five-year period, an evaluation (see Step 4 Evaluation) should be conducted to analyze the results achieved and report on lessons learned.

Accordingly, within this initial period, time scales can be categorized as follows:

- Short: completed in one year;
- Medium: completed within the next 1-3 years;
- Long: completed within the next 5 years.

#### f) Budget

Funding will be required during the design, implementation, monitoring and evaluation process of a NAP. Hence, costing and budgeting are a critical part of the NAP development process.

Costing is the first step toward developing a NAP budget in order to ensure dedicated resources (human, financial and technical) including any training needs for NAP implementation. A costing plan should also identify the sources of funding for each action. It is important that the budget reflects the scale of action required for successful implementation, is well-managed and enables the NAP to be implemented successfully. If no funding is required to implement an action, there should be a note indicating “Not applicable”.

Because NAP costing and budgeting requires decision-making, the IKB NAP Committee could arrange a workshop with participants with decision-making roles in order to reach budgetary commitments or, at the very least, lobby their respective institutions and organizations to commit resources for the NAP implementation.

### 3.2.E. Linking the NAP to the Rome Strategic Plan and IKB Scoreboard

It is recommended that an IKB NAP is closely interlinked with the RSP and considers other main underlying recommendations and guidance documents (see details in the boxes below). The implementation strategy of the IKB NAP should consider the five strategic result-oriented objectives of the RSP, which are:

- **Objective No. 1:** To understand the scope, scale and motivations behind illegal killing, taking and trade of birds.
- **Objective No. 2:** To establish an active prevention of the illegal killing, taking and trade of wild birds.
- **Objective No. 3:** To ensure that the illegal killing of birds is addressed effectively and efficiently in national legislation.
- **Objective No. 4:** To ensure that effective and efficient enforcement of relevant legislation is undertaken.
- **Objective No. 5:** To ensure effective and efficient justice for IKB-related offences.

Following the IKB NAP context-based approach, countries **may place more emphasis** on the most relevant objectives or even consider any other possible objectives not included in the RSP, according to their needs and circumstances.

Also to be noted is the Scoreboard to Assess the Progress in Combating Illegal Killing, Taking and Trade of Wild Birds (IKB Scoreboard), adopted during the second meeting of MIKT (and 1<sup>st</sup> Joint Meeting with the Bern Convention SFPs; Sliema, Malta, 2017). As a voluntary fact-based self-assessment tool, the IKB Scoreboard enables countries to self-assess the current status of IKB at national level and measure their progress in implementing their commitments related to this area. The indicator framework that forms the backbone of the Scoreboard is organized in five areas, each looking at a specific aspect of the fight against IKB:

- **Area A:** National monitoring of IKB (management of data on scope and scale of IKB)
- **Area B:** Comprehensiveness of national legislation
- **Area C:** Enforcement response (preparedness of law enforcement bodies and coordination of national institutions)
- **Area D:** Prosecution and sentencing (effectiveness of judicial procedures)
- **Area E:** Prevention (other instruments used to address IKB)

The Scoreboard has many links to the RSP and may thus be considered by the NAP committee in compiling their country's NAP.

Hereunder, both the RSP and the IKB Scoreboard are cross-referenced, including some recommendations for the development of each of the five parts of an IKB NAP presented in the boxes below.

- **Part A:** National monitoring of the scope, scale and motivations of IKB;
- **Part B:** Prevention tools to address IKB;
- **Part C:** Comprehensiveness of national legislation to address IKB;
- **Part D:** Enforcement response to IKB;
- **Part E:** Prosecution and sentencing for IKB offences.

#### **PART A: National monitoring of the scope, scale and motivations of IKB.**

Part A corresponds to Objective 1 of the RSP and to Area A of the IKB Scoreboard. This part focuses on the data management and extent and knowledge of the number of birds that are illegally killed, taken and/or traded at national level as well as the distribution and trend of birds illegally killed, taken or traded per year including the geographic areas where IKB is known to take place. The number of IKB cases prosecuted is important to inform an understanding of progress at the national level; however, it may not necessarily correlate with the scale of IKB. Furthermore, establishing systematic monitoring that can generate a baseline from which to measure effectiveness of implementation of the NAP in reducing the scale of the issue might be important.

IKB is a complex issue, with different *modi operandi*, species targeted, and motives varying between countries. It is important that countries adopt a methodology to monitor the scale and scope of IKB. The use of cutting-edge technology may assist, where appropriate, to address key technical limitations hindering eradication of IKB. In addition, it is essential to establish a baseline considering the quality of the data and method since it will serve as a reference to compare progress in the future.

**Gaps** – it is important to 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.)

For that purpose, it is recommended that countries consider and follow the guidance provided in the [Paper on the baseline and methodology for assessing progress toward achieving the Rome Strategic Plan 2020-2030: eradicating illegal killing, taking and trade in wild birds in Europe and the Mediterranean region](#) (UNEP/CMS/MIKT4/Outcome 3) as endorsed in 2021 by the 41st meeting of the Standing Committee of the Bern Convention and following the Fourth Joint Meeting of the Bern Convention Network of SFPs on Eradication of IKB and the CMS MIKT.

Other documents that can be consulted would be the following:

- Brochet *et al.* (2016) [Preliminary assessment of the scope and scale of illegal killing and taking of birds in the Mediterranean.](#)
- Brochet *et al.* (2017) [Illegal killing and taking of birds in Europe outside the Mediterranean: assessing the scope and scale of a complex issue.](#) Bird Conservation International, 29(1):10-40. DOI:10.1017/S0959270917000533.
- [Best Practice Guide for monitoring illegal killing and taking of birds](#) (UNEP/CMS/MIKT1/Doc.7).
- [Methodology document to identify Black-Spots of Illegal Killing of Birds](#) (T-PVS/Inf (2015) 3).
- Draft: [Agreed methodology and guidance and common format for conducting socio-economic research into the motivations behind IKB](#) (UNEP/CMS/MIKT5/Doc.7.2/Rev.1; final version under consultation; October 2022)

## **PART B: Prevention tools to address IKB.**

Part B corresponds to Objective 2 of the RSP and to Area E of the IKB Scoreboard. This part looks at other instruments useful in preventing and reducing IKB such as public awareness, addressing drivers of IKB, international cooperation and stakeholder engagement.

Developing national communication strategies with a wide range of stakeholders is key to prevent IKB. Understanding the drivers and motivations is crucial for developing communication campaigns aimed to:

- address the consumer demand for illegally obtained wild-birds;
- increase awareness within the community;
- increase public awareness of the environmental, social and economic impacts of IKB.

Ensuring the presence of governmental institutions in international fora also encourages the exchange of information, the learning of best practices and international cooperation among countries.

Some recommended deterrent and awareness-raising actions are the following:

- Creating dog patrols to detect poison (effective wildlife crime deterrent in over 20 LIFE co-funded projects).
- Educational and awareness-raising activities in schools to encourage children to protect the environment.
- Establishing a Network of Volunteers against a particular wild-bird crime and a telephone line to make possible for citizens to report (including anonymously) cases of IKB (see Spanish LIFE project 'VENENO NO' LIFE08 NAT/E/000062)).
- Engaging with key community actors and leaders and local educators to expand outreach more effectively.
- Mapping hotspots to direct conservation efforts (see 'BalkanDetox' LIFE project 2020-2025 LIFE19 GIE/NL/001016).

- Handing toolkits and/or leaflets to different groups, such as ornithologists to taxidermists, game keepers, students and the general public of all ages.
- Cooperation with journalists to disseminate targeted information on bird crime through national and local media. This action can help reduce the acceptance of IKB and to change habits in local communities and the public at large (see Pannon Eagle LIFE project (LIFE15/NAT/HU/000902) in Slovakia).

Finally, it is recommended to consult the document [Combatting the Illegal Killing, Taking of and Trade in Birds in the EU: A review of good practices on prevention](#) (UNEP/CMS/MIKT5/Doc.12; T-PVS/Inf (2022)26), endorsed during the Joint Meeting of the Bern Convention Network of SFPs on Eradication of IKB and the CMS MIKT (7 to 9 June 2022, Valencia, Spain; final version in prep.).

### **PART C: Comprehensiveness of national legislation to address IKB.**

Part C corresponds to Objective 3 of the RSP and to Area B of the IKB Scoreboard. This part focuses on the extent to which the national legislation is comprehensive to address IKB and incorporate international law and commitments. An assessment of national legislation, including the level of prosecution and penalization of IKB cases, the number of exemptions authorized, or the extent to which legislation links organized crime with certain IKB cases, will enable countries to identify possible gaps to be addressed.

It is important that the NAP includes actions aimed at addressing the legislative and institutional process weaknesses as well as potential institutional improvements, if those are identified as problems.

Boxes 4 and 5 provide issues suggested to be considered by countries, and best practices in some countries that helped strengthen legislation for IKB incidents, respectively.

If the revision of the national legislation concludes that it is sufficiently comprehensive, time may be better spent on improving its implementation and enforcement.

It is recommended that countries consider and follow the guidance provided in the [Legislative Guidance Materials relating to the Illegal Killing, Taking and Trade of Wild Birds](#) (UNEP/CMS/MIKT5/Outcome 1 / T-PVS/Inf (2022) 18\_rev2) and [Model Law Provisions on Illegal Killing, Taking and Trade of Wild Birds \(IKB\)](#) (UNEP/CMS/MIKT5/Outcome 2 / T-PVS/Inf (2022) 19\_rev3), endorsed by MIKT Members, and by the Standing Committee of the Bern Convention at its 42<sup>nd</sup> Meeting (November 2022).

Finally, it is also recommended to consult the following documents:

- [Recommendation No. 171 \(2014\) of the Standing Committee of the Bern Convention, 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 N° 177 \(2015\) of the Standing Committee of the Bern Convention 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](#) (UNEP/CMS/MIKT4/Inf.11).
- C. Naves, D. de la Bodega, S. Cabezas-Díaz, N. López *et al.* [Report on the economic valuation of protected animal species](#). LIFE Guardianes de la Naturaleza. SEO/BirdLife. Madrid, 2020. (UNEP/CMS/MIKT4/Inf.8).

#### Box 4: Recommendations for the IKB legislative review

Apart from considering the documents on Legislative Guidance and Model Legislation mentioned above, the legislative review requires an assessment of the national legislation including, *inter alia*, the following aspects:

- Are sanctions and penalties proportional, effective and dissuasive enough to address the IKB problem?
- Does criminal law consider the links of IKB with other crimes?
- Are there wild-fauna valuation instruments in administrative, civil or criminal procedures that enable the imposition of monetary compensation to IKB perpetrators based on the ecological damage caused? If not, would it be considered to incorporate such methodologies? (see Box 5)
- Is the legislation prepared to address organized crime in IKB cases?
- Does the legislation comply with the country's international obligations? (i.e., Bern Convention, CMS, CITES, EU Birds and Habitats' Directives, the EU Eco-crime Directive, etc.)
- Is it necessary to reverse the burden of proof to make the offender prove the legality of their action? (see Box 5)
- Is national legislation uniform enough to tackle IKB? Is there a need to harmonize legislation to address IKB in the whole territory?
- Is vicarious liability an offence to be introduced based on the national experience? (see Box 5)
- Are there examples of other countries' legislation proven to be effective and which may provide ideas for improvement?

#### Box 5: Controversial legal issues in IKB cases

It might be useful for countries to consider, where appropriate, the following legal issues addressed in certain countries:

- **Addressing contradictory provisions.** The institutional framework has significant implications for the review process as shown in cases where the current legislation includes contradictory provisions that appear to assign the same or overlapping powers to different entities.
- **Burden of proof.** In some cases, the claimant bears the burden of proof which means that he/she must prove that the specimen was acquired illegally instead of the offender having to prove that the specimen was acquired legally. This makes enforcement difficult (e.g., when finding nets or limesticks) because the offender must be caught on the spot in order to be liable for the illegal activity.
- **Vicarious liability** in IKB cases is considered a measure to focus prosecution on the individuals ultimately responsible for these criminal acts. A "vicarious liability" offence, as introduced in Scotland, makes landowners responsible for the criminal actions of their employees or agents (e.g., gamekeepers or other land managers), whether or not the employee or agent is convicted.
- **Economic valuation.** Environmental liability requires the party that causes ecological damage to pay for it to remedy the damage caused, based on the "Polluter-Pays Principle". It is important to establish economic values of fauna species in order to impose compensation, remediation, or even compensatory measures to the offender rather than making public administrations to bear those costs. Various countries such as Croatia, Finland or Spain have used these valuation systems.

## PART D: Enforcement response to IKB

Part D corresponds to Objective 4 of the RSP and to Area C of the IKB Scoreboard. This part explores the preparedness of law enforcement bodies and the coordination of national institutions. Countries are recommended to assess whether combating IKB is a high priority in enforcement operations at the national, regional and local level.

Improving the efficiency in the inspection and enforcement process is essential to address IKB issues. The technical expertise and the availability of resources (human, financial and material) are some of the factors that affect the effectiveness of the work of enforcement agencies, such as inspectors, police, customs officers and other enforcement personnel. Specialized training in IKB-related aspects and awareness-raising actions will also facilitate effective implementation of inspection, surveillance, detection, and investigation by the designated law enforcement agencies. Consideration should be given to ways of ensuring skills can be maintained even if there is staff turnover.

Additionally, the exchange of best practices (see Box 6) and knowledge as well as the improvement of institutional cooperation and collaboration can help strengthen the detection and prosecution of offences against wild-bird crimes.

[Council of Europe National Policing/Investigation Priorities to Tackle Illegal Killing, Trapping and Trade of Wild Birds](#) (UNEP/CMS/MIKT4/Inf.10) may be considered when exploring this objective.

### Box 6: Some best practices and suggestions on IKB enforcement

- **Creating anti-poaching units focused on intelligence-based policing.** In some cases, creating a special unit within the law enforcement agencies in charge of the reporting, the monitoring and the investigation of wildlife crimes, can help strengthen the enforcement actions against IKB.
- **Strengthening the powers of the field enforcement units** as a dissuasive measure towards poachers. In some cases, enforcement units have administrative competencies and can decide about small sanctions only.
- **Intensifying or incorporating surveillance efforts** including prevention activities by the law enforcement agencies (e.g., patrolling the territory to identify issues and explain the regulations to nature users).
- **Identifying 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)
- **Delivering regular specialized training** to enforcement agencies on the identification of species, forensic investigations, means used in IKB offences, etc.
- **Opening hotlines** operated by trained personnel where the public can report bird crimes and birds found dead/trapped (including anonymously).
- **Distributing guidance material to agency headquarters** (such as handbooks and/or guidelines) on investigations of specific IKB offences (e.g., poisoning or illegal nest collection of eggs or young).
- **Enhancing inter-disciplinary collaboration:** developing and implement on-the-ground collaboration between field enforcement units and environmental NGOs and other stakeholders working in IKB, in support to enforcement action.
- **Investigating alleged corruption issues at enforcement agencies if applicable.**
- **Where appropriate, publicizing successful enforcement/ prosecutions for IKB as a deterrent to others**
- **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.

## **PART E: Prosecution and sentencing for IKB offences.**

Part E corresponds to Objective 5 of the RSP and to Area D of the IKB Scoreboard. This part focuses on the effectiveness of the judicial system against IKB which should be aware of the seriousness of IKB and properly trained to deliver appropriate penalties.

The effective enforcement of wildlife and forest offences requires a well-functioning and efficient prosecution service and an independent judiciary. This ensures that offenders are kept accountable for their actions and the rights of all involved stakeholders are protected (UNODC, 2012; Nurse, 2015; UNODC, 2018). However, in many countries, prosecution authorities and courts are understaffed, under-resourced, and in some cases, corrupted (UNODC, 2012).

IKB is often considered a trivial crime, resulting in poor prosecution and low sanctions, sometimes encouraging organized crime. In fact, a small percentage of incidences of IKB ends up in courts, in part due to poor enforcement or capacity, with negative consequences for deterrence. In other cases, the average periods for initiation and conclusion of administrative and criminal court proceedings are too long (e.g. the RSP provides as an indicator: *Number/Percentage of criminal and administrative proceedings (excluding appeals) in IKB cases are concluded within one year from initiation that have increased*). The issues facing the enforcement of environmental laws can be complex due to limited technical and staffing capacities. The biodiversity legislation can be complex where different corpora of law refer to national, European and international law. Given this complexity, there is a need for further awareness of the serious nature and prioritization of wildlife crimes by prosecutors in order to be able to carefully and thoroughly present a case, and for judges to be able to understand the seriousness of the offence and impose appropriate sentences. It is therefore recommended to address any procedural inefficiencies, strengthening the awareness-raising, capacity-building and exchange of information among prosecutors and judges. Data on judicial proceedings (both criminal and administrative) need to be properly monitored and made publicly available.

Box 7 includes some suggestions that can be considered when assessing the national context of prosecution and sentencing against IKB.

The following documents are recommended for consultation:

- [Legislative Guidance Materials relating to the Illegal Killing, Taking and Trade of Wild Birds](#) (UNEP/CMS/MIKT5/Outcome 1 / T-PVS/Inf (2022) 18\_rev2) and [Model Law Provisions on Illegal Killing, Taking and Trade of Wild Birds \(IKB\)](#) (UNEP/CMS/MIKT5/Outcome 2 / T-PVS/Inf (2022) 19\_rev3), endorsed by MIKT Members, and by the Standing Committee of the Bern Convention at its 42<sup>nd</sup> Meeting (November 2022).
- [Recommendation No. 171 \(2014\) of the Standing Committee of the Bern Convention, adopted on 5 December 2014, on the setting-up of national policing/investigation priorities to tackle illegal killing, trapping and trade of](#) (UNEP/CMS/MIKT4/Inf.10).
- [Recommendation N° 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](#) (UNEP/CMS/MIKT4/Inf.11).
- C. Naves, D. de la Bodega, S. Cabezas-Díaz, N. López et al. [Report on the economic valuation of protected animal species](#). LIFE Guardianes de la Naturaleza. SEO/BirdLife. Madrid, 2020. (UNEP/CMS/MIKT4/Inf.8).

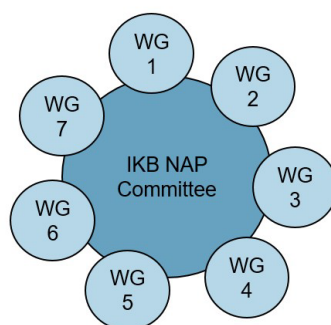
**Box 7: Suggestions on IKB prosecution and sentencing**

- **Set up specialized courts or departments focused on environmental crimes with specific units for wildlife crime offences including IKB.** Environmental prosecutors and judges are recommended to increase the prioritization of wildlife crimes.
- **Adopt national sentencing guidelines for IKB cases.**
- **Provide regular specialized training and exchange opportunities for judges and prosecutors nationally and internationally.**
- **Establish case law databases that are publicly accessible** including examples of successful prosecutions and convictions.
- **Consider the transnational nature of some IKB issues and their links with other crimes** (i.e., other illegal activities often associated with wildlife crimes, including money laundering, corruption and document fraud).
- **Consider economic valuation** of the damage caused to fauna species for judicial processes. (refer to part 2: Comprehensiveness of national legislation to address IKB).

**3.3. Step 3 – Implementation, Reporting and Monitoring**

Once the analysis stage is finalized and the NAP is outlined (ideally by using some of the recommended tools, such as logical framework, resource planning, etc.), the implementation phase focuses on ensuring that the NAP Committee oversees and drives delivery of the steps as planned. Periodicity of reporting and responsibility for reporting should be decided and reports on NAP development and implementation should be made publicly available so the process is seen as transparent.

It is recommended to establish systematic monitoring, which can generate a baseline from which to measure effectiveness of implementation of the NAP. This can be part of the Monitoring section of the NAP. Monitoring is a continuous process coordinated by the IKB NAP Committee following a NAP monitoring plan<sup>5</sup>. It might be useful to consider setting up ad hoc working groups (WG) for the implementation and monitoring of specific group of actions. These WGs will be composed of the designated government officials and stakeholders who were identified as responsible actors. It is likely to be an overlap of actors between different WGs. Therefore, it might be useful to designate a focal point of each WG who would meet periodically with the IKB NAP Committee in order to report their progress and achievements (Figure 5).



**Figure 5** Proposed monitoring structure

<sup>5</sup> A monitoring and evaluation framework template is provided here: [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_762181.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_762181.pdf)

The monitoring process requires a transparent and consultative approach, ensuring frequent communication and interaction with all stakeholders. For that purpose, countries may consider creating a website to facilitate the sharing of data and information gathered during the NAP implementation between stakeholders and to make reports on progress available to the public. This information sharing may also benefit other countries developing and implementing NAPs, contributing to the exchange of experiences, lessons learned and best practices of efforts against IKB within the geographic extent of the Bern Convention and the CMS MIKT.

The NAP monitoring plan provides the possibility of identifying gaps (including in knowledge, capacity and action) and addressing inefficiencies. Plans to address knowledge gaps and build capacity where needed should be incorporated into any revisions to the NAP. The NAP committee should consider whether there are emerging cross-border IKB issues that need to be addressed including in collaboration with other countries.

### **3.4. Step 4 – Evaluation and Learning**

An evaluation provides an assessment about the effectiveness of activities in complying with the expected outcomes and identify the lessons learned. It is recommended to conduct an annual evaluation by the IKB NAP Committee. Additionally, depending on the duration of the NAP, each country should ideally conduct a mid-term evaluation and/or once the NAP implementation is completed, a final evaluation.

The evaluation could also involve external or internal evaluation experts but, for impartiality reasons, it is recommended to carry out an external evaluation<sup>6</sup>.

## **4. CONTENT AND STRUCTURE**

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To prepare an IKB NAP, it is recommended to follow a standard format as follows:

Front cover

Inside front cover

- I. Executive summary.
  - II. Introduction and background.
    - a National context of IKB.
    - b International implications of IKB.
  - III. Purpose of the NAP.
  - IV. Content of the NAP.
    - Objective 1: National monitoring of the scope, scale and motivations of IKB.
    - Objective 2: Comprehensiveness of national legislation to address IKB.
    - Objective 3: Enforcement response to IKB.
    - Objective 4: Prosecution and sentencing for IKB offences.
    - Objective 5: Prevention tools to address IKB.
  - V. Monitoring and evaluation.
  - VI. Links with other initiatives
  - VII. References.
- ANNEX I: Implementation matrix of the NAP.

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<sup>6</sup> It is important to decide these aspects when budgeting the NAP since the financial and human resources available will impact the overall estimated costs.

This standard format offers an overview of the recommended structure with a non-exhaustive list of relevant information to include. The parts of the NAP listed above could contain information and/or subsections such as the following:

### **Front Cover**

- Proposed title: “National Action Plan to combat the illegal killing, taking and trade in wild birds”;
- Lifespan of the NAP;
- Date of adoption;
- Logo of the NAP;
- Logos of the Ministry of Environment, other engaged ministries and all stakeholders involved in the NAP committee.

### **Inside front Cover**

- Date of adoption (and number and date of edition if not the first edition);
- Lifespan of the NAP;
- Milestones in the production of the NAP;
- Recommended citation, including ISBN, if applicable.
- Logos of the signatories;
- List and logos of collaborating authorities;
- List and logos of other initiatives and collaborating entities.

### **I. Executive Summary**

- Brief summary of the document offering an overview of the IKB problem.

### **II. Introduction and Background**

- Presentation of the national situation of IKB at the time of the NAP development, summarizing the national context from the current legislative side and the biological and socio-economic implications of IKB known in the country.
- Presentation of the impacts of IKB in nature conservation initiatives as well as the transnational connections of these offences with organized crime as reported to date from the law enforcement authorities.

### **III. Purpose of the National Action Plan**

- Description of the reasons that justify the adoption of the NAP.
- Reference to how this NAP contributes to the vision of the RSP 2020-2030 that is to reach a 50 per cent reduction of the scale and scope of IKB by 2030. Inclusion of a description of the National target, which can be much more ambitious than the RSP.

### **IV. Content of the National Action Plan.**

- Further information and guidance on how this section is to be completed is provided in Section 3, Step 2-D and 2-E. of this document.

### **V. Monitoring and Evaluation.**

- Further information and guidance on how this section is to be completed is provided in Section 3, Steps 3 and 4 of this document.

## VI. Links with other Initiatives

- Connections of the IKB NAP with other national laws, policies, regulations and initiatives that are related to or affect IKB issues.
- This section should also describe how the NAP incorporates international law and commitments.

## VII. References

- List of the most relevant literature used for the preparation of the NAP.

### Annex I: Logical Framework of the NAP.

- A template is provided in Annex V of this document.

## 5. REFERENCES

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### 5.1. Bibliography

- Agreed methodology and guidance and common format for conducting socio-economic research into the motivations behind IKB (draft: UNEP/CMS/MIKT5/Doc.7.2/Rev.1; final version under preparation).
- AEWA Conservation Guidelines No. 1 - AEWA Guidelines on the Preparation of National Single Species Action Plans for Migratory Waterbirds (TS No. 15).
- [Legislative Guidance Materials relating to the Illegal Killing, Taking and Trade of Wild Birds](#) (UNEP/CMS/MIKT5/Outcome 1 / T-PVS/Inf (2022) 18\_rev2) and [Model Law Provisions on Illegal Killing, Taking and Trade of Wild Birds \(IKB\)](#) (UNEP/CMS/MIKT5/Outcome 2 / T-PVS/Inf (2022) 19\_rev3).
- Best Practice Guide for monitoring illegal killing and taking of birds (UNEP/CMS/MIKT1/Doc.7).
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- Considerations for the Way Forward on Preparing a Format and Guidance for the Development and Implementation of National IKB Action Plans (UNEP/CMS/MIKT4/Doc.8).
- Combating the Illegal Killing, Taking of and Trade in Birds in the EU: A review of good practices on prevention (UNEP/CMS/MIKT5/Doc.12; T-PVS/Inf (2022)26).
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- Format for National Action Plan for Addressing the Illegal Killing, Trapping, Taking and Poisoning of Wild Birds. Euronatur, Birdlife Cyprus and Birdlife International (UNEP/CMS/MIKT4/Inf.12).
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- Paper on the baseline and methodology for assessing progress toward achieving the Rome Strategic Plan 2020-2030: eradicating illegal killing, taking and trade in wild birds in Europe and the Mediterranean region (UNEP/CMS/MIKT4/Outcome 3).
- Recommendation No. 171 (2014) of the 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 N° 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.
- Revised format for AEWA International Single and Multi-Species Action Plans as outlined in document AEWA/MOP 7.22 (adopted through AEWA Resolution 7.5).
- Rome Strategic Plan 2020-2030 on Eradicating Illegal Killing, Taking and Trade in Wild Birds in Europe and the Mediterranean region.
- Scoreboard to Assess the Progress in Combating Illegal Killing, Taking and Trade of Wild Birds (IKB) (UNEP/CMS/MIKT5/Inf.6).
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## **5.2. Online Resources**

- An assessment and implementation tool for identifying stakeholders in a data collection initiative and engaging them as contributors and beneficiaries. November 2006. Global Health eLearning Center. PDF download. <https://www.globalhealthlearning.org/sites/default/files/page-files/SampleStakeholderEngagementPlan.pdf>
- Community Tool Box - Center for Community Health and Development at the University of Kansas: <https://ctb.ku.edu/en/table-of-contents/leadership/group-facilitation/group-discussions/checklist>
- ILO Toolkit on Developing National Action Plans on Forced Labour. Available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_762181.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_762181.pdf)
- The Research Centre Spiral - University of Liège: [https://www.spiral.uliege.be/cms/c\\_5087288/en/spiral-open-process-workshop](https://www.spiral.uliege.be/cms/c_5087288/en/spiral-open-process-workshop)

## **5.3. National Action Plans**

- National Action Plan for Combating Offences against Wild Birds. Ministry for the Environment, Land and Sea of Italy. March 2017.
- National Action Plan against Illegal Trafficking and International Poaching of Wildlife Species (Plan TIFIES). Ministry for the Ecological Transition and the Demographic Challenge (MITECO) of Spain. February 2018.

## **6. ANNEXES**

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### **ANNEX 1**

#### **List of Potential Stakeholders**

- Animal rights organizations
- Care and rehabilitation centers for injured wildlife
- Communities surrounding protected areas / local groups
- Educational community (environmental educational centers, universities, schools, etc.)
- Entities managing protected areas
- Environmental NGOs
- Forensic & veterinary services (e.g., for cases of poisoning)
- Forestry service / national parks service
- Hunting and falconry associations, clubs and hunting tourism operators
- Land users and livestock breeders (e.g., for cases of poisoning)
- Pet shop owners (e.g., for bird pet trade)
- Research institutions
- Restaurant owners (group representation)
- Scientific associations
- Tourism professionals

**Stakeholder Participation Techniques**

Technique	Most appropriate application when the action seeks to	Advantages	Disadvantages
<b>Personal Interviews</b>	<ul style="list-style-type: none"> <li>▪ Identify issues specific to each stakeholder.</li> <li>▪ Provide opportunities for stakeholders to speak confidentially.</li> <li>▪ Build relationships with individual stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provides detailed data through two-way communication.</li> <li>▪ Provides an opportunity to build a relationship.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Time and resource intensive.</li> <li>▪ No opportunity to test attitudes and assertions independently.</li> <li>▪ Individuals may not necessarily be representative of a stakeholder group as a whole.</li> </ul>
<b>Workshops</b>	<ul style="list-style-type: none"> <li>▪ Form relationships with and between stakeholders and experts.</li> <li>▪ Involve stakeholders in the development of a strategic approach.</li> <li>▪ Communicate aspects of stakeholder engagement process or management issues.</li> <li>▪ Analyze/monitor impacts.</li> <li>▪ Prioritize / rank issues and potential solutions.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Demonstrates commitment on part of the government.</li> <li>▪ Provides an opportunity to build a network of relationships.</li> <li>▪ Allows issues to be verified, tested and solutions developed issue/s.</li> <li>▪ Increases ownership by participants.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Participation can be limited to a small number of stakeholders.</li> <li>▪ Individuals may not necessarily be representative of a stakeholder group as a whole.</li> <li>▪ Need to provide sufficient information so that participants can provide informed views.</li> </ul>
<b>Focus Groups / Forums</b>	<ul style="list-style-type: none"> <li>▪ Identify stakeholder views on a specific issue.</li> <li>▪ Discuss the views of a common interest stakeholder group.</li> <li>▪ Gather baseline data.</li> <li>▪ Support, pilot, test or gain feedback on the outputs of other methods (e.g., surveys, interviews).</li> <li>▪ Determine stakeholder responses to proposed strategies.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Demonstrates commitment from the government.</li> <li>▪ Provides an opportunity to build a network of relationships.</li> <li>▪ Allows issues to be verified, tested and solutions developed.</li> <li>▪ Increases ownership by participants.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Participation is limited to a relatively small number of stakeholders.</li> <li>▪ Individuals may not necessarily be representative of a stakeholder group or community as a whole.</li> <li>▪ Need to provide sufficient information so that participants can provide informed views.</li> </ul>

<b>Public hearings</b>	<ul style="list-style-type: none"> <li>▪ Reach large audiences in particular communities quickly.</li> <li>▪ Present information and seek feedback from stakeholders.</li> <li>▪ Ensure that everyone gets a chance to provide comment / criticism / feedback.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Relatively inexpensive and quick.</li> <li>▪ Allows to reach a large number of people simultaneously.</li> <li>▪ Demonstrates willingness to be open.</li> <li>▪ Provides communities with opportunity to speak directly to government representatives.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Limited opportunity to explore particular issues in detail.</li> <li>▪ Can be difficult to facilitate if the issue is controversial.</li> </ul>
<b>Surveys</b>	<ul style="list-style-type: none"> <li>▪ Identify stakeholder issues and assess community needs.</li> <li>▪ Obtain an objective overview of a group of stakeholders to a particular issue of potential impact.</li> <li>▪ Gather data for the evaluation of performance indicators</li> <li>▪ Monitor impacts and performance using repeated surveys</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provides detailed data on specific issues.</li> <li>▪ Assuming an appropriate sample is gathered, provides a good insight of an issue.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Written surveys are not appropriate in an environment where literacy levels are low.</li> <li>▪ Can be easily manipulated or designed to yield particular results.</li> <li>▪ Depending on the response method, surveys may yield poor responses rates.</li> <li>▪ Surveys take considerable time and resources to prepare, implement and analyze results.</li> </ul>

Source: Adapted from McCallum *et al.* 2007. SEAT: Socio-Economic Assessment Toolbox. Anglo American.

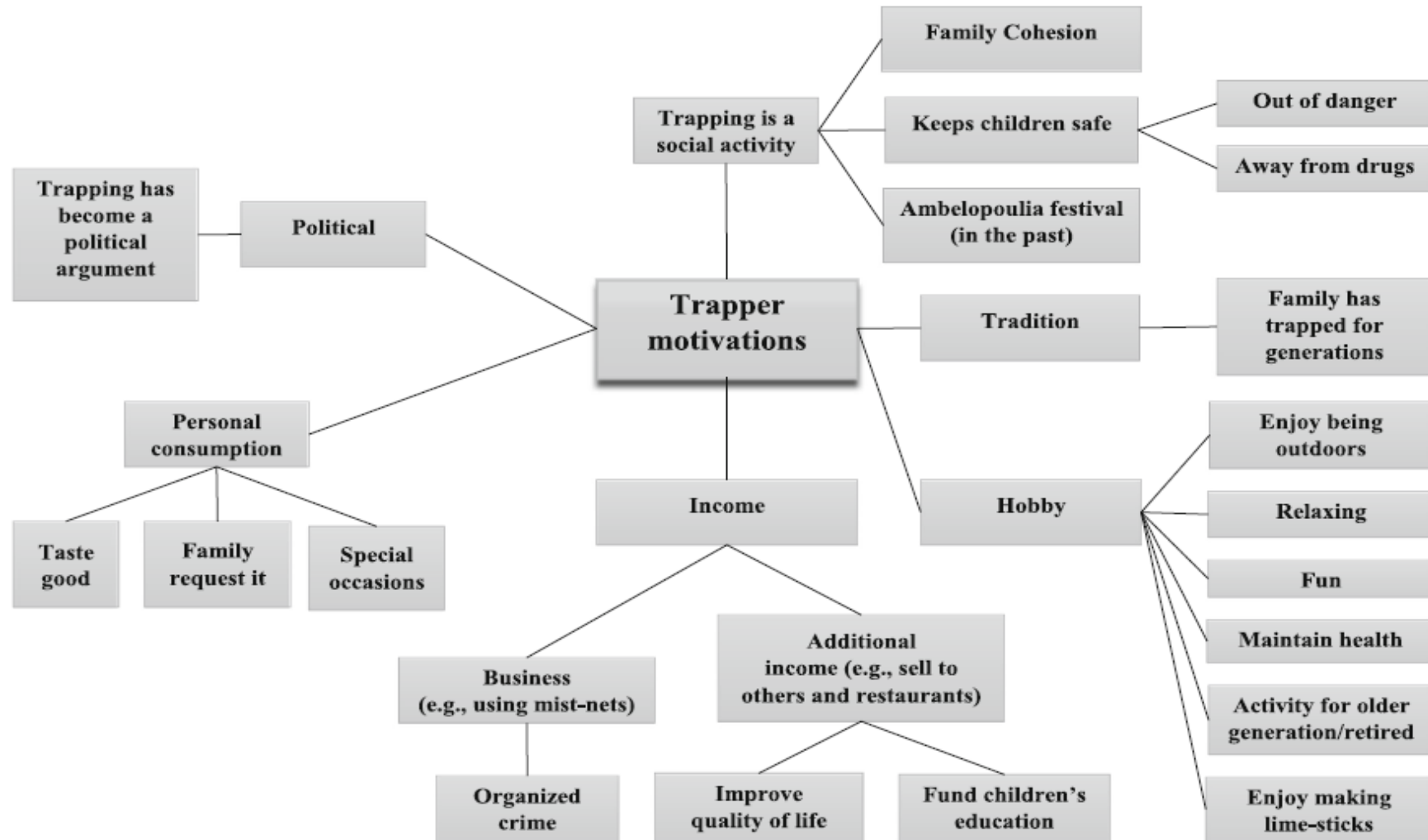
## ANNEX 3

### Aspects for Consideration by Workshop Facilitators

During the different stages in the development of an Open Process Workshop, facilitators should consider the following aspects:

- **Setting the topic.** If the group is meeting to discuss a specific issue or to plan something, the discussion topic is already set. If the topic is unclear, then the facilitator needs to help the group define it through asking the right questions and encouraging ideas from the group.
- **Involving all participants.** It is important that everyone has plenty of opportunity to communicate their thoughts. To involve those who are less assertive or shy, or who simply can't speak up quickly enough, the facilitator might ask directly for their opinion, encourage them with body language and be aware of when they want to speak and cannot break in.
  - Additionally, when dealing with controversial issues or matters involving multi-party decision making, it is particularly important that the facilitator ensures that all voices are heard and understood, minimizing dysfunctional group dynamics and maximizing productivity and efficiency of the group. For that purpose, the facilitator should ensure that no one person or small group dominates the discussion, that everyone follows the ground rules, that the discussion is organized, and that all ideas are subjected to careful critical analysis.
- **Asking questions or offering ideas to advance the discussion.** The facilitator should be aware of the progress of the discussion, and should be able to ask questions or provide information or arguments that stimulate thinking or take the discussion to the next step when necessary.
  - In this regard, it is also important that the facilitator is knowledgeable about the subject of IKB being discussed by the group. This ensures that the facilitator understands the relevant vocabulary and themes and can guide subject areas that should be delved into more deeply.
  - In addition, facilitators should strive to ensure participants are making decisions based on the best available information, or sound science. In some cases, the facilitator may serve an additional role as a scientific advisor in which case they need to balance how to offer sound scientific advice or options while not promoting particular solutions.
- **Summarizing or clarifying important points, arguments, or ideas.** This task entails making sure that everyone understands a point that was just made, or the two sides of an argument. It can include restating a conclusion the group has reached, or clarifying a particular idea or point made by an individual.
- **Wrapping up the session.** As the session ends, the facilitator should help the group review the discussion and make plans for next steps (more discussion sessions, action, involving other people or groups, etc.). It might be useful to review any assignments or tasks that were agreed to, make sure that members know what their responsibilities are, and review the deadlines for those responsibilities.
- **Follow-up.** If the facilitator was also the recorder, they might wish to put the notes from the session in order, type them up, and send them to participants. The notes might also include a summary of conclusions that were reached, as well as any assignments or follow-up activities that were agreed on.

EXAMPLE OF A PROBLEM TREE



Potential motivations for trapping birds (from [Jenkins et al. \(2017\)](#))

**TEMPLATE FOR A NAP LOGICAL FRAMEWORK**  
**National Action Plan to Combat the Illegal Killing, Taking and Trade in Wild Birds**  
 (Delete all text in blue)

**PRIORITY 1: National monitoring of the scope, scale and motivations of IKB.**

Objective	Group of Actions (Add or delete rows as needed)	Actions (Add or delete rows as needed)	Outcomes and Indicators (Add or delete rows as needed)	Responsible	Timeline	Budget
To ensure availability at national level of comprehensive data on the status and scale of IKB.	1.	A1:				
		A2:				
	2.	A1:				
		A2:				
To increase the knowledge of the number, the seasonal and geographic distribution and trend of illegally killed, taken or traded birds at national level including overseas territories.	1.	A1:				
		A2:				
	2.	A1:				
		A2:				
To ensure availability of data on IKB cases known to justice at national level.	1.	A1:				
		A2:				
	2.	A1:				
		A2:				
To increase the knowledge of the number of IKB cases prosecuted.	1.	A1:				
		A2:				
	2.	A1:				
		A2:				