

Convention on the Conservation
of European Wildlife and Natural Habitats

Standing Committee

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

The Standing Committee to the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention,

Having regard to the aims of the Convention to conserve wild fauna and its natural habitats;

Recalling that Article 1, paragraph 2 of the Convention requires Parties to give particular emphasis to the conservation of endangered and vulnerable species, including endangered and vulnerable migratory species;

Recalling that Article 6 requires Parties to take the necessary and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II, prohibiting in particular all forms of deliberate capture and keeping, and deliberate killing, as well as the possession and internal trade in these animals, alive or dead;

Recalling its Recommendation No. 5 (1986) on the prosecution of persons illegally catching, killing or trading in protected birds, addressing for the first time wild-bird crimes;

Further recalling its Recommendation No. 155 (2011) on the illegal killing, trapping and trade of wild birds, which identified the main challenges related to the legal, biological and institutional aspects of this problem;

Reminding the commitment undertaken through the Larnaca Declaration, adopted at the 1st European Conference on illegal killing, trapping and trade of birds (Larnaca, Cyprus, 6-8 July 2011), which called on responsible stakeholders, governments, local communities, law enforcement agencies, and nature conservation NGOs, including hunting associations, to unequivocally condemn all forms of illegal taking and trading in wild birds, to pledge a zero tolerance approach to illegal killing, trapping and trade of birds, and to adopt a full and proactive role in fighting against these illegal activities;

Bearing in mind the conclusions of the Second conference on Illegal killing, trapping and trade of birds (Tunis, Tunisia, 29-30 May 2013), and its focus on moving to the concrete implementation;

Recalling Recommendation No. 164 (2013) and the “Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds” as tools for guiding Parties towards the implementation of specific actions, as well as for monitoring the effectiveness of the measures undertaken and the progress towards the eradication of illegal killing of birds at pan-European level;

Acknowledging the contribution that the Tunis Action Plan 2013-2020 can give to the achievement of the CBD Strategic Plan for Biodiversity, and in particular of Aichi Target 12, aimed at preventing the extinction of known threatened species and improving the conservation status of those in decline;

Welcoming the setting-up, under the Bern Convention, of the Network of Special Focal Points for illegal killing, trapping and trade of birds, to facilitate the exchange of experiences and knowledge, synergies at national and international level among all relevant bodies as well as the identification of the most suitable interlocutors and experts for each of the specific issues related to wild bird crimes,

and encouraging other Multilateral Environment Agreements (MEAs) and stakeholders involved in this field to refer to them for knowledge and information sharing;

Welcoming the international attention that the problem of wild bird-crimes is receiving, and the successful cooperation and coordination initiated by the Bern Convention with other concerned MEAs, organisations and stakeholders, in particular the CMS, the AEWA, the Memorandum of Understanding concerning the Conservation of Migratory Birds of Prey in Africa and Eurasia, the EU, the INTERPOL, BirdLife International and its local partners, the European Federation of Associations for Hunting and Conservation (FACE), and the IUCN;

Recalling IUCN Resolution WCC-2012-RES-029 on Combating the illegal or unsustainable capture, trade or killing of migratory birds in the Mediterranean urging, among others, that countries of the Mediterranean basin ensure the rigorous enforcement of legislation on hunting of migratory birds and that those which still have insufficient legislation devote the necessary effort to put this in place;

Having regard to CMS Resolution 10.26 on Minimizing the Risk of Poisoning to Migratory Birds, the AEWA-led multi-stakeholder Plan of Action to address bird trapping along the Mediterranean coasts of Egypt and Libya (UNEP/CMS/ScC18/Inf.10.12) and the most recently adopted CMS Resolution 11.15 on Preventing Poisoning of Migratory Birds and its Guidelines;

Acknowledging the adoption by the 11th Conference of the Parties to the CMS of Resolution 11.16 on the prevention of illegal killing, taking and trade of migratory birds, calling on the CMS Secretariat to convene an intergovernmental Task Force to address illegal killing, taking and trade of migratory birds in the Mediterranean, in conjunction *inter alia* with the Bern Convention, as a clear contribution to the Tunis Action Plan 2013-2020;

Recalling the EU Biodiversity Strategy to 2020 (COM (2011) 244) and, in particular, its target 1 “Fully implement the Birds and Habitats Directives”, and the Roadmap elaborated for addressing illegal killing of birds in EU member states, in line with the Tunis Action Plan 2013-2020;

Aware that coordination at national level, prior to the international level, is a key factor for the success and effectiveness of the specific actions tackling wild-bird crimes, and that in some Parties the necessary infrastructures for addressing these issues still need to be put in place;

Stressing that awareness of the general public and of future generations on the challenges and impact of illegal killing, trapping and trade of wild birds at all level of the enforcement chain should be an on-going and long-term effort,

Recommends Contracting Parties to the Convention and invites Observer States to:

1. Identify policing/investigation priorities to tackle wild-bird crimes at national level, as well as the bodies in charge of their enforcement and monitoring, having in due regard the following criteria:

- The recognition and evaluation of the impact that illegal killing, trapping and trade of wild birds has on the conservation status of the affected species,
- The legal or administrative status of the area where the offence took place,
- The possible damage to the ecological balance or to the habitat as a consequence of the offence,
- The particular nature of the area (e.g. hotspots of bird conservation),
- The level of penalties provided by the legislation;

Parties may also wish to consider the following complementary criteria as appropriate:

- Public perception of the seriousness of the offence,
- Intrinsic value of wildlife,
- Socio-economic benefits of wildlife,
- Public interest,
- Known regional black-spot of illegal activities;

2. Identify and actively engage in the eradication process the stakeholders already involved in the enforcement and the judiciary chain;

3. Step-up efforts towards the setting-up of the necessary infrastructures enabling for the national exchange information and effective action at identified black-spots of illegal activities;
4. Continue and improve efforts aimed at enhancing inter-sector cooperation at national level and involving all relevant Ministries, particularly the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education;
5. Where appropriate, implement the actions proposed in the methodology appended to this recommendation.

Appendix I to 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

**METHODOLOGY DOCUMENT TO SET UP
NATIONAL POLICING AND INVESTIGATION PRIORITIES**

INTRODUCTION

The opportunity of setting up a national policing and investigation methodology common to Contracting parties to the Bern Convention was discussed at the 2013 meeting of the Convention's Group of Experts on the conservation of wild birds (Tunis, Tunisia), and highlighted in the Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds (as appended to Recommendation No. 164 (2013)). Measures that may be considered as appropriate for addressing the specific national priorities to eradicate "wild-bird crime" are listed for analysis by Contracting Parties.

Tackling wild-bird crime is a long-term process and involves many stakeholders which have to be identified in the preparation phase of national action plans. Structures have to be in place to exchange information and allow specific actions to improve the situation at identified black-spots.

To tackle wild-bird crime at all relevant levels, it is suggested that the elements and procedures listed below are discussed at the national level. This discussion between stakeholders and Special Focal Points should ensure a coordinated approach to set the priorities for national policing and investigation.

Appendix I to this document contains a checklist which can be used by Special Focal Points or regional focal points, and stakeholder coordinators, to identify gaps in action plans to tackle wild-bird crime at the national, regional and stakeholders' organisations level.

I. IDENTIFICATION OF STAKEHOLDERS

Wild-bird crime is an issue that is widespread but often one which stakeholders involved in the enforcement and judiciary chain are not sufficiently aware of. These stakeholders need to be identified and systematically informed to ensure they have knowledge of all aspects of the process of tackling wild-bird crimes. In some cases of wild-bird crime the perpetrators can be a specific group of people most of whom are law-abiding citizens. There are also opportunities to involve the wider public in reporting on wild-bird crime to the relevant authorities.

Proposed actions:

- Identify stakeholders in the law enforcement chain. The inventory of enforcement teams and officers is important to set up a structure of data collection, reporting and feedback. It will help to identify target groups for training, required protocols and gaps in law enforcement capacity.
- Identify stakeholders in the judiciary system. The inventory of stakeholders in the judiciary system at the regional and national level allows a better exchange of information and will enhance the efficiency of training.
- Identify stakeholder groups linked to drivers. The motivation from perpetrators to break the law related to wild-birds is often based on cultural and financial grounds. The drivers behind this are shared with groups of law abiding citizens who are doing the same specific activity without breaking the law. These groups of stakeholders have communication platforms that are also very useful to reach the perpetrators. They also have the moral authority to demonstrate and communicate the right and lawful way. Formation of a stakeholder group that meets regularly (i.e. every 6 months) to discuss progress and next steps on country specific wildlife crime issues.

- Identify other sources of information to get information on the extent of wild-bird crimes. Groups of people and individual people are shocked by wild-bird crimes and want to help the enforcement and judiciary authorities to end this.

II. COMMUNICATION AND PREVENTIVE EDUCATION

Communication related to wild-bird crimes is a very important part of ensuring its prevention. One of the key priorities is to communicate the impact of wild-bird crime on biodiversity in general and especially on threatened species. This effect is observable at international, national, as well as regional levels.

Communication related to wild-bird crime should also cover law enforcement. Perpetrators need to be aware that they will be exposed and caught/prosecuted. They should also be made aware of the number of convictions and the severity of the punishments.

Proposed actions:

- Ensure the establishment of a structure for internal communication among and between the stakeholders for use when actors in the detection and investigation of wild bird crime are identified.
- Develop a national or regional communication strategy and action plan with clear communication targets, including education of young people and specific stakeholder groups.
- Identify a coordinator for the transmission of information between stakeholders.
- Inform and advise local stakeholders of the financial and/or structural help they can get from the government or other sources if their activity is under threat due to wildlife.
- Make sure that there is a clear distinction between legal sustainable hunting activities and wild-bird crime in all communication related to the issue.
- Increase communication regarding existing laws to protect wild birds and the penalties involved when breaking the law.
- Communicate widely about the enforcement capacity and the number of perpetrators caught and sentenced, including the level of fines. This should deter potential offenders and combat the sense of impunity.
- Test the option of joined press releases and other communication activities between enforcement authorities and stakeholders.
- Promote environmental education campaigns for schoolchildren to change socio-cultural attitudes against wild-bird crime and towards nature and wildlife.
- Use existing or develop new instruments to involve people in bird conservation (eg. The European Charter on Hunting and Biodiversity; The Human dimension as a tool for bird conservation).

III. SURVEILLANCE, INSPECTIONS AND INVESTIGATIONS

Inspections and surveillance, enforcement and bringing cases to court are costly and time consuming. It is important to investigate and discuss measures to improve the effectiveness in the whole inspection and enforcement process and to include these discussions in workshops with stakeholders.

Proposed actions:

- Identify actors in the detection and investigation of wild-bird crimes and make a clear overview of the authorities potentially involved in tackling wild-bird crime. These include civil servants who qualify as law enforcement officials and criminal investigation police officers. Create a specialist patrol team of environment/forestry officers in order to deliver more effective surveillance and increase prosecution efficacy.
- Create a national catalogue of materials used in connection to wild-bird crime, such as toxic substances used as poisoned bait. This can include websites or other online platforms.

- Control the import and sale of material used for wild-bird crimes. This includes for instance toxic substances likely to be used as poison, material for lime sticks, nets.
- Identify measures to get control over substances used for wild-bird crimes and make them less readily available.
- Draw up proper procedural protocols for law enforcement officials in charge of surveillance and preventive action to follow.
- Draw up proper procedural protocols for law enforcement officials in charge of collecting and the preliminary investigation of the offence to follow.
- Draw up a general legal protocol for administrative action.
- Draw up proper procedural protocols for wildlife rescue centres and toxicology laboratories to identify wild-bird crimes, experts to be contacted and consulted, and methodology of proper data collection.

IV. JUDICIARY SYSTEM

Conviction and adequate punishment of perpetrators of wild-bird crimes are very important elements in combatting wild-bird crime. Sharing the experience of stakeholders in the judiciary system on tackling wild-bird crimes could be very beneficial, especially for identifying shortcomings in the enforcement chain, burden of proof, and minimum and maximum height of fines because of the punitive and preventive effect.

The independence of the judiciary system must be fully respected in the process. The representatives of the judiciary should be invited to the stakeholder workshops to contribute to the organisation of this internal exercise on methodology and reporting.

Proposed actions:

- Ensure that the legal validity of toxicological analysis and expert appraisals are well described in protocols and that this information is distributed to the relevant stakeholders.
- Adopt administrative measures and ensure proper liaison and coordination with criminal proceedings.
- Ensure that the judiciary is granted access to information on national wild-bird crime priorities, the purpose of conservation impact statements and offence gravity factors. The judiciary should be encouraged to use these to inform sentencing guidelines, in the full respect of its independence.
- Make sure that mechanisms for recording and reporting results of wildlife prosecutions are in place.

V. TRAINING

In most national reports the lack of awareness and training is mentioned as one of the gaps in tackling wild-bird crime. The stakeholder groups have different requirements in terms of training; these have to be mapped specifically for each of those groups.

Proposed actions:

- Identify training requirements from all stakeholders (including the judiciary system on wildlife crime).
- Set up multi-level communication platforms and exchange of best-practices.
- Set up an information campaign to take awareness-raising measures for all stakeholders, with a specific approach for each of them.
- Ensure that the enforcement teams are trained on the proper collection of evidence material and custody of evidence and carcasses.
- Organise well-structured seminars for awareness raising and specialisation of enforcement officers, prosecutors and judges.

VI. DATA COLLECTION AND EXCHANGE

To get a good overview of where capacity is needed to tackle wild-bird crime, it is important to get information on the historical background of the different types of wild-bird crime in a region from all available sources of information. This information is necessary to build on the concept of intelligence-led policing and to raise awareness. The intelligence-led policing model is based on the concept of defining the intelligence question and subsequent collection and analysis efforts being determined by this. The concept implies a continuum of analysis informing decision-making and new information feeding back into the process.

Proposed actions:

- Increase and improve available information on wild-bird crime by creating a national mechanism for recording reports on wild-bird crime to provide statistical evidence of the areas of offending. This involves creating a national database, using existing international databases and producing hazard maps.
- Enhance knowledge of the drivers and effects of wild-bird crime to allow for better risk analysis.
- When the drivers of wild-bird crime are known and enforcement actions ongoing, it is important to get an idea of the impact of the work by monitoring indicator species at black-spot, regional or national levels.
- Because the cause of death is not always obvious when a carcass or remains are found it can be an option to collect and check all fauna carcasses and remains, even when found under power lines or wind farms. Types of wild-bird crime such as poisoning can't be identified solely based on location.
- When possible it is relevant to identify the social costs of inspection and enforcement activities to bring wild-bird crimes to court.

VII. ACTION PLAN

When starting to develop an action plan to address wild-bird crime in a specific region, it is important to include all stages of the implementation of the specific actions described in the plan. This includes preventive investigation procedure in cases with clear evidence of wild-bird crimes, surveillance and interception of suspects and post-interception procedures.

Proposed actions:

- Identify the organisational level needed for the development and implementation of the action plan: national, regional, provincial or other relevant levels based on stakeholders that are involved and the national types of wild-bird crime.
- Set clear priorities for action, and make sure these priorities are identified for the national as well as regional level.
- Scale down regional plans to local circumstances and focus on specific types of wild-bird crime at the local scale.
- Identify surveillance projects that should be focused on areas with previous records of wild-bird crime or areas and estates with a high potential of wild-bird crime.
- Scale up local actions into networks to allow exchange of best practices and knowledge; and identify the possibilities to employ enforcement teams in different localities across the region or nationally, linked to identified priorities.
- Promote and improve cooperation and collaboration with other government authorities and organizations responsible for devising the action plan on tackling wild-bird crime.

VIII. FUNDING

Wild-bird crime, similarly to other types of crime, is not easy to eradicate in the short term. An action plan should also identify ways of financing actions now and into the future, and use synergies as much as possible. A holistic approach to these issues at the level of the national governments should be adopted. Contracting Parties to the Bern Convention should invest time and resources to promote inter-Ministerial cooperation in this endeavour, including and in particular between the Ministries of Environment, Agriculture, Interior or Home Affairs, Justice and Education.

Proposed actions:

- Identify funding opportunities for training, data exchange and database management.
- Investigate and discuss measures to improve the effectiveness in the whole inspection and enforcement process.
- Improve inter-ministerial communication and cooperation.

CHECKLIST FOR NATIONAL OR REGIONAL FOCAL POINTS AND STAKEHOLDER COORDINATORS TO IDENTIFY GAPS IN ACTION PLANS TO TACKLE WILD-BIRD CRIMES ON THE NATIONAL, REGIONAL AND STAKEHOLDER ORGANISATION LEVEL

Preparation, information and data gathering

Actors in the detection and investigation of wild-bird crimes identified	All stakeholders
Agreed database structure on wild-bird crimes is prepared, known and used	Police, customs, environment agencies, other specialised agencies, prosecutors, inter-governmental partners, non-governmental organisations
Stakeholders for data collection and exchange are identified	Linked to drivers on cultural and financial grounds
Stakeholders for prevention and communication are identified	
Round-table workshop is organised with all stakeholders to identify priorities and actions	
National wildlife crime priorities are established	
Timing and methodology for updates and review is agreed	
Training needs of stakeholder groups are identified	
Draft procedural protocols	For surveillance and preventive action, data collection and investigation, administrative actions, experts and laboratories.

Methodology

National and/or regional focal point on wild-bird crimes in place	Governmental agency
National and regional action plan developed	
Structure for internal communication in place	Including exchange of best practices
Communication strategy developed for all appropriate levels	
Coordinator for communication among stakeholders identified	
Training of stakeholders groups funded and ongoing	
Regular reporting to stakeholders and public	Number of wild-bird crimes, sentences and fines
Intelligence-led policing is used to improve effectiveness in inspection and enforcement	
National catalogue of material used for wild-bird crimes	
Control the import and sale of material used for wild-bird crimes	