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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
Strasbourg, 27-30 November 2018

**Post-2020 policy priorities on eradication of
illegal killing, taking and trade in wild birds**

**QUESTIONNAIRE FOR BERN CONVENTION
CONTRACTING PARTIES AND PARTNERS**

*Document prepared by
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Post-2020 policy priorities on eradication of illegal killing, taking and trade in wild birds

Questionnaire for Bern Convention Contracting Parties and Partners

Introduction

This questionnaire should be read in conjunction with the Concept Note – *“Beyond 2020: Bringing an end to illegal killing, taking and trade in wild birds as a conservation concern for the flyways”*.

The aim of this questionnaire is to solicit the views of the Bern Convention Contracting Parties, Observers, partner organisations, NGOs and other stakeholders on the potential post-2020 Bern Convention policy priorities related to the fight against illegal killing, taking and trade of wild birds (IKB). The feedback obtained through this questionnaire will serve as a further input to update the Concept Note, with the view to presenting a finalised document for a final round of consultation, and eventual consideration by the Standing Committee in November 2018.

The questionnaire consists of six sections. Section 2 provides an opportunity to identify any strengths, weaknesses, opportunities or threats that may have been omitted from the situation analysis chapter of the Concept Note. Respondents also have the possibility of ranking these factors in terms of their relative importance. Section 3 solicits views on the proposed time horizon for post-2020 IKB policy. Section 4 focuses on defining the overall vision for post-2020 policy. Section 5 provides opportunity for detailed review of strategic objectives and targets proposed in the Concept Note and possibility for introducing alternative proposals. Section 6 provides respondents with the necessary space to express any other comment, propose additional objectives or targets, as well as possibility to identify any significant issues or factors that may have been missed or omitted, as well as any issues or factors that should perhaps not be included in the Concept Note.

Although the precise wording or definitions is certainly important, at this particular stage, wordsmithing is not within the scope of the present exercise. Therefore minor editorial suggestions or amendments to particular wording should not be considered at this stage.

Please return completed questionnaire together with any suggested amendments or comments on the Concept Note (in track changes mode) via email to: iva.obretenova@coi.int, copying in sergei.a.golovkin@gmail.com by 15th of September 2018.

1. RESPONDENT ORGANISATION

Name and surname of the respondent person	Astrid CLAUDEL RUSIN
Respondent organisation	Direction de l'Environnement
Respondent's position within the organisation	Chef de section
Email	aclaudelrusin@gouv.mc
Telephone	+377 98 98 88 94
Address	3 avenue de Fontvieille 98000 MONACO
Representing (tick as applicable – more than one entry can be selected):	
Bern Convention Contracting Party	√
Bern Convention Observer State	
Member of Bern Convention Network of Special Focal Points on Eradication of Illegal Killing of Birds	
Member of the CMS Inter-governmental Task Force on Eradication of Illegal Killing of Birds in the Mediterranean	
NGO	
International inter-governmental organisation, network, body or agency	
Private expert (not representing an organisation)	

2. STRENGTHS, WEAKNESSES, OPPORTUNITIES AND THREATS (SWOT)

Please identify **five** strengths, weaknesses, opportunities and threats related to the fight against IKB, from the perspective of the Bern Convention.

It must be stressed that these SWOT factors should not reflect the specific viewpoint of your organisation, but should focus on the international policy perspective represented by the Bern Convention.

So for example if your organisation is a national NGO that identifies “lack of funding” as a weakness and a threat (in terms of your organisation's operations), this should not qualify as a response.

However, if your organisation sees that particular SWOT factors should be considered at the level of Bern Convention's overall policy on IKB, then these factors should be listed – for example – lack of institutional support for national NGOs working to help enforcement on IKB in a given country or area could be listed as a weakness factor to be considered in the overall Bern Convention's post-2020 policy.

Please also note that “strengths” and “weaknesses” are inherently internal factors, i.e. factors that arise out of the structure or implementation of Bern Convention's policy on IKB; whereas “opportunities” and “threats” represent inherently external factors, that may be outside of the immediate control of the Bern Convention or its Contracting Parties, but are nonetheless very important to be considered in the formulation of policy priorities, in a manner that would ultimately seek to capitalise on opportunities, whilst seeking to mitigate or eliminate threats.

If you feel that any particular SWOT factors are more important than others, then please indicate if the factors are ranked in the order of priority, in the space provided.

Strengths 1 coopération entre tous les Etats et les organisations internationales ou locales 2 3 4 5	Opportunities 1 se baser sur les observations et actions des ONG 2 3 4 5
Weaknesses 1 difficultés des contrôles et des sanctions 2 3 4 5	Treats 1 manque de communication avec les acteurs concernés 2 3 4 5

Are SWOT factors listed above ranked in terms of their relative priority? **Y**

3. TIME HORIZON OF THE POST-2020 IKB POLICY PRIORITIES OF THE BERN CONVENTION

Please indicate your agreement or disagreement with the following statements:

Statement	Agree	Disagree
IKB phenomenon is very dynamic, and therefore policy priorities to fight IKB should not be fixed for any term longer than a year		√
IKB policy priorities should be defined for a period of three years		√
IKB policy priorities should be defined for a period of five years	√	
IKB policy priorities should be defined for a period of ten years	√	
IKB policy priorities should be defined for a period of longer than 10 years		√

4. THE VISION FOR THE POST-2020 POLICY

The vision proposed in the Concept Note document is reproduced below:

In the ten-year period between 2020 and 2030, Bern Convention, its Contracting Parties and other partners and stakeholders will continue to build upon the measures piloted under Tunis Action Plan and MIKT PoW, taking bolder action and scaling up efforts as necessary, to ensure that by 2030, IKB shall no longer exist as a significant conservation concern within the flyway shared by Bern Convention's Contracting Parties. By 2030, Contracting Parties will strive to achieve a 90% reduction in the scale and extent of IKB within their national territories, over a 2020 baseline. In doing so, Bern Convention will continue to strengthen partnerships with CMS and other multilateral environmental agreements, institutions, networks and stakeholders, to promote eradication of IKB in all of our planet's flyways.

4.1 Do you agree that a post-2020 policy should be guided by a vision? Y / N

Yes ✓	No <input type="checkbox"/>
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4.2 Do you agree with the vision proposed in the Concept Note? Y / N

Yes ✓	No <input type="checkbox"/>
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4.3 In case you disagree with the vision proposed in the Concept Note, please state up to three main reservations:

1	
2	
3	

4.4 In case you disagree with the vision in the proposed Concept Note, please offer an alternative vision:

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5. STRATEGIC OBJECTIVES AND HIGH-LEVEL TARGETS

This section of the questionnaire provides an opportunity to comment on the proposed draft strategic objectives and high-level targets listed in the Concept Note. The rationale for these proposed objectives and targets, as well as their relationship to the overall vision are described in detail in Chapter 5 of the Concept Note. The objectives and targets are reproduced in the table below. Please indicate your agreement or otherwise with the proposed text in the third column of the table. In case you disagree with the proposed text or wish to propose alternatives, please use the fourth or fifth columns for alternative text.

Objective 1 - Understanding drivers behind and extent of IKB and its conservation consequences at flyway level		I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. Please indicate suggested amendments in this column.	I disagree with including this objective and targets, which, in my view, need to be redefined completely. Please state rationale for disagreement and offer alternative proposals in this column.
Description and link to vision	Effectively addressing IKB and its conservation consequences would only be possible on the basis of thorough understanding of the reasons behind IKB, extent of IKB problem, and the scale of ecological damage caused by IKB. It is essential that IKB assessments are performed periodically in all states that are contracting Parties of the Bern Convention, in a manner that would allow analysis of the likely ecological consequences caused by IKB in any particular country or region for the entire flyway.	√		
High-level targets	1.1 Common methodology for carrying out IKB assessments is developed and adopted by Bern Convention Standing Committee by 2021. Methodology should allow for systematic assessment of, <i>inter alia</i> :			

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<p>a. Drivers and motivation behind various IKB categories;</p> <p>b. Scale of IKB, including mortality, trends, seasonal and geographic distribution;</p> <p>c. Typology, number and trends in prosecution of IKB cases;</p> <p>d. Impact of mortality due to IKB upon flyway populations.</p> <p>The above methodology may be based on the methodology pioneered by BLI in its initial assessments (e.g. “the Killing” study); it must ensure participative approach and full involvement of national administrations apart from other stakeholders including representatives of the hunting community.</p> <p>1.2 Status and scale of IKB is systematically assessed in each Bern Convention Contracting Party at state level using a common methodology. Assessments are repeated periodically in sync with IKB Scoreboard, i.e. in 2023, 2026, 2029.</p> <p>1.3 Beyond the area covered by Bern Convention Contracting Parties, the Convention shall work closely with stakeholders in other</p>			

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<p>regions to perform IKB assessments in Central Asia and Sub-Saharan Africa by 2023.</p> <p>1.4 Bern Convention Contracting Parties shall aim to achieve a reduction in the assessed scale of IKB within their national territory in comparison with a 2020 baselined as follows: 2023 – 25% reduction; 2026 – 50% reduction; 2029 – 90% reduction.</p> <p>1.5 By 2023, the Secretariat of the Convention shall, together with relevant stakeholders, agencies and networks, develop and enact a programme of support to aid Contracting Parties and other partners in the achievement of the above objectives.</p>			

Objective 2 - Ensuring robust and comprehensive national legal systems to respond to IKB		I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
Description and link to vision	<p>Robust national legislation and rigorous regulatory controls are essential prerequisites for eradication of IKB. It is expected that countries should strive to assess and improve their legal and regulatory framework, to ensure that it:</p> <ul style="list-style-type: none"> a. Correctly transposes applicable international commitments related to IKB under appropriate MEAs to which the state is a party; b. Contains clear and adequate provisions to prohibit and combat IKB; c. Provides for necessary regulations and controls over activities that impact bird populations; d. Clearly defines prohibitions related to IKB, and where exemptions from these prohibitions are possible, provides for adequate regulatory controls for authorising and supervising such exemptions; e. Provides adequate and sufficient deterrents and penalties for IKB; 	√		
High-level	2.1 By 2023, Contracting Parties			

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targets	<p>shall ensure that their national legislation:</p> <ul style="list-style-type: none"> a. Has adequate provisions to deter and combat IKB; b. Is supported by necessary binding legal instruments, regulations, and institutional frameworks for implementation and enforcement; c. Integrates regulation of hunting and ensures the taking into account of biological and conservation aspects in hunting-related decisions; d. Lays down comprehensive provisions concerning: <ul style="list-style-type: none"> i. Establishment and definition of hunting seasons ii. Listing species that can be hunted iii. Definition of hunting areas Regulation and definition of which methods are allowed for hunting iv. Provision for appropriate authorization mechanism and criteria for obtaining a hunting license, including requirements for compulsory examination of hunting license applicants 			

Objective 2 - Ensuring robust and comprehensive national legal systems to respond to IKB	I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
<ul style="list-style-type: none"> v. Establishment of bag limits and quotas for huntable species on the basis of biological and conservation considerations vi. Provision for the timely collection of hunting bag data and reporting mechanisms vii. Controls related to implementation, including enforcement (for instance providing enforcement powers to game wardens, park range e. Generally prohibits: <ul style="list-style-type: none"> i. Deliberate killing of wild birds ii. Taking of wild birds The use of means such as nets, traps, lime sticks, sound-devices, etc. for capturing birds iii. Possession of live or dead wild birds or their parts iv. Importation or transport of wild birds or their derivatives f. Where authorization of specific exceptions from the above prohibitions is possible, defines comprehensive criteria upon which such exemptions can be 			

Objective 2 - Ensuring robust and comprehensive national legal systems to respond to IKB	I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
<p>granted by the responsible authority, which criteria must correspond to criteria for exemptions stipulated in Bern Convention / CMS / EU Birds Directive (for EU MS only);</p> <p>g. Establishes, for each exemption granted on an annual basis, a specific regulatory mechanism that ensures strict supervision of compliance, monitoring and reporting;</p> <p>h. Requires that data on all exemptions granted, is compiled on an annual basis and is publicly available including information on affected species, number of specimens, justification, the responsible authorities, permitting and licensing procedures, compliance monitoring;</p> <p>i. Provides a comprehensive description(s) of specific IKB-related offences that encompass illegal killing, trapping, trade, possession, transport, importation and taxidermy of wild birds;</p> <p>j. Stipulates both the minimum and a maximum penalty for all</p>			

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<p>offence categories except those where a level of penalty is fixed permanently in the law;</p> <p>k. Provides for a full spectrum of criminal and administrative sanctions including: fines, imprisonment (both effective and suspended jail terms are usually automatic for the most severe cases of IKB), suspension of license, confiscation of <i>corpus delicti</i>, permanent revocation of license in the case of IKB involving highly protected birds;</p> <p>l. Ensures that:</p> <p>i. Penalties for IKB are prescribed in legislation and provide for criminal prosecution;</p> <p>ii. Fully reflect severity of offences on the basis of gravity factors recommended as part of Bern Convention Tunis Action Plan;</p> <p>iii. Are generally seen as providing an adequate and proportionate deterrent for all IKB cases, as evidenced through sustained IKB crime decline (sustained decline in</p>			

Objective 2 - Ensuring robust and comprehensive national legal systems to respond to IKB	I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
<p>IKB cases observed over at least 3 years);</p> <p>iv. Treat wildlife crime offences involving organized criminal groups as serious crime.</p> <p>m. Ensures applicability of criminal law in most IKB cases;</p> <p>n. Clearly describes offence categories that are subject to criminal as opposed to administrative liability;</p> <p>o. Is supported by mechanisms that harmonize wildlife and other key domestic legislation such as police laws, weapons laws, other criminal laws;</p> <p>p. Contains provisions related to organised crime;</p> <p>q. Fully and correctly transposes Bern Convention and CMS commitments related to IKB.</p> <p>2.2 By 2023, Contracting Parties shall undertake all measures necessary to ensure that there are no pending / unresolved case files / complaints under Bern Convention related to incorrect transposition of the provisions of the Convention into national law, or their implementation.</p>			

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2.3 By 2023, the Secretariat of the Convention shall, together with relevant stakeholders, agencies and networks, shall develop and enact a programme of support for Contracting Parties aiming to facilitate achievement of the above objectives.			

Objective 3 - Ensuring that the law is implemented and enforced		I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
Description and link to vision	Even the best law needs to be properly enforced and implemented. In order to achieve the vision of putting an end to IKB as a flyway conservation concern, Bern Convention Contracting Parties must work in concert with the necessary stakeholders and partners to ensure that they have necessary enforcement and implementation mechanisms in place, backed by clear national enforcement priorities and action plans, underpinned by adequate enforcement capacities, including human, material and financial resources.	√		
High-level targets	<p>3.1 By not later than 2023, all Contracting Parties should have developed, adopted, published, commenced implementation, regular monitoring and review of their National Action Plans to address IKB at the national level in a concerted manner with the involvement of the necessary stakeholders.</p> <p>3.2 By not later than 2021, Contracting Parties should ensure</p>			

Objective 3 - Ensuring that the law is implemented and enforced	I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
<p>that IKB is afforded the highest level of enforcement priority on a national level, <i>on par</i> with other forms of serious wildlife crime.</p> <p>3.3 Since concerted action drawing on the support and resources of a broad range of stakeholders is, in the long term, more effective in producing results, than a unilateral action, Contracting Parties should strive to enact appropriate mechanisms at the national level, that would ensure stakeholders' participation in policy decisions concerning IKB. Such mechanisms may take the form of, <i>inter alia</i>, formal stakeholder structures and committees at national level, or legal provisions requiring the authorities to ensure stakeholder consultation and involvement in decision-making processes.</p> <p>3.4 By 2023, Contracting Parties shall ensure that the designated law enforcement agencies tasked with IKB-related enforcement duties should have adequate staff complement, adequate and appropriate for prevailing IKB</p>			

Objective 3 - Ensuring that the law is implemented and enforced	I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
<p>trends in the country. States shall furthermore ensure that such enforcement entities have appropriate recruitment and training processes in place that result in the selection, retention, continuous development and training of appropriately qualified personnel possessing the right mix of skills, knowledge and expertise to effectively tackle IKB challenge in the country.</p> <p>3.5 By 2023, the Contracting Parties shall ensure that at least 50% of enforcement personnel deployed within the law enforcement agencies tasked with IKB-related enforcement, would have undergone appropriate specialised training on IKB-related issues. Contracting Parties shall strive to maintain and further improve this training ration thereafter, so as to reach a target of 80% of officers so trained by 2029.</p> <p>3.6 By 2023, the Secretariat of the Convention shall, together with other stakeholders such as Interpol, Europol, IMPEL and</p>			

Objective 3 - Ensuring that the law is implemented and enforced	I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
other relevant enforcement agencies and networks, develop and enact a programme of support for Contracting Parties in facilitating exchange of enforcement expertise, training for enforcement personnel, capacity-building, and similar activities, in the areas of relevance to overall capacity building for enforcement against IKB.			

Objective 4 - Ensuring efficient justice for IKB-related offences		I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
Description and link to vision	The mere existence of elaborate legislation, even when backed by sufficient enforcement in the field, would not, in itself, guarantee success against IKB, unless complemented by an effective and efficient justice system and credible deterrents against IKB-related crime. Consequently, in order to bring an end to IKB as a conservation concern for the flyway, Contracting Parties and other partners must further develop their capacities to improve prosecution procedures, sentencing processes, ensure adequacy and proportionality of penalties and sanctions against IKB that reflect appropriate gravity factors, including conservation impact of IKB.	√		
High-level targets	<p>4.1 By 2023, Contracting Parties shall implement requisite measures to improve the quality, effectiveness and efficiency of prosecution and justice to ensure that:</p> <p>a. Over 90% of all criminal proceedings (excluding appeals) in IKB cases are</p>			

Objective 4 - Ensuring efficient justice for IKB-related offences	I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
<p>concluded within one year from initiation;</p> <p>b. Over 90% of all administrative proceedings (excluding appeals) in IKB cases are concluded within 3 months from initiation;</p> <p>c. Over 90% of all criminal or administrative proceedings in IKB cases result in conviction;</p> <p>d. Over 90% of all criminal or administrative proceedings in IKB cases are handled by specialised prosecutors and judges;</p> <p>e. Information on prosecution and sentences / sanctions applied in the case of IKB-related criminal or administrative proceedings is recorded and made publicly accessible;</p> <p>f. Sentencing guidelines for IKB cases are finalised and adopted;</p> <p>4.2 By 2025, Contracting Parties shall ensure that more than 50% of all environmental prosecutors and judges who deal with wildlife crime have received training in IKB-related aspects. As a result,</p>			

Objective 4 - Ensuring efficient justice for IKB-related offences	I agree with the proposed objective, its link to the vision and the proposed targets.	I broadly agree with the proposed objective, its link to the vision and the proposed targets, but have some revisions to improve the text. (Please indicate suggested amendments in this column.)	I disagree with including this objective and targets, which, in my view, need to be redefined completely. (Please state rationale for disagreement and offer alternative proposals in this column.)
<p>prosecutors and judges should become well aware of the nature and prevalence of wildlife crime, and the impact and potential profits of wildlife crime; have a high level of awareness of wildlife crime-related charges; should collaborate to deliver verdicts that are appropriate to the nature and severity of the crime and should routinely adhere to sentencing guidelines.</p> <p>4.3 By 2023, the Secretariat of the Convention shall, together with other stakeholders such as Interpol, Europol, IMPEL and other relevant enforcement agencies and networks, develop and enact a programme of support for Contracting Parties in facilitating exchange of expertise amongst prosecutors and judges, training, capacity-building, and similar activities, in the areas of relevance to overall capacity building for justice against IKB.</p>			