



## CONVENTION ON MIGRATORY SPECIES

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Agenda Item 24.1.1

### THE PREVENTION OF ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS

*(Prepared by the Secretariat)*

#### Summary:

This document reports on the implementation of [Resolution 11.16, The Prevention of Illegal Killing, Taking and Trade of Migratory Birds](#) and recommends the adoption of decisions that are derived from the CMS Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT).

To facilitate the implementation of Resolution 11.16, the Secretariat proposes the establishment of a Task Force on Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway and has developed a draft Terms of Reference for consideration.

The implementation of both initiatives will contribute to the accomplishment of target 6 of the Strategic Plan for Migratory Species 2015-2023.

This document should be read in conjunction with UNEP/CMS/COP12/Doc.21.1.29 concerning resolutions to repeal in part.

Rev.1 incorporates a scoreboard to measure progress to eradicate IKB in Europe and the Mediterranean region.

Rev.2 incorporates the correction of inconsistencies on the version of the scoreboard included in Rev.1



The [European Commission](#) were 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 2015-2018. 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 UN Environment.



## THE PREVENTION OF ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS

### Background

1. At CMS COP11 in 2014, Resolution 11.16 established an Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) and requested the Task Force to encourage monitoring of the trends on illegal killing, taking and trade of migratory birds. The monitoring of trends should use comparable methodologies internationally and facilitate concerted efforts as well as the implementation of the Tunis Action Plan 2013-2020 for the Eradication of Illegal Killing, Trapping and Trade of Wild Birds, working in close cooperation with the Bern Convention Secretariat.
2. Resolution 11.16 also urged Parties to develop equivalent Task Forces at other trouble spots, building on the experience in the Mediterranean.
3. During the intersessional period 2014-2017 two meetings of MIKT were scheduled. The first meeting was held in Cairo from the 12 to 15 July 2016. The meeting in Sliema (Malta) is scheduled to be held from 22 to 23 June 2017. The main outcome of the Cairo meeting was a [Programme of Work](#) for the Task Force during the period 2016-2020. The main outcome of the Sliema meeting was a Scoreboard to assess the national progress in combating illegal killing, taking and trade of wild birds.
4. In January 2017, the CMS Secretariat participated in the 9<sup>th</sup> Meeting of Partners of the East Asian-Australasian Flyway Partnership (EAAFP) where an International Task Force to address the Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway was established with a focus on EAAFP species, namely waterbirds. The Terms of Reference for this Task Force were adopted.

### Scoreboard to assess the progress in combating illegal killing, taking and trade of wild birds (IKB)

5. The scoreboard to measure and benchmark the progress on the eradication of IKB at national level by the Mediterranean countries has been included in MIKT's Programme of Work as a high priority. To implement this action, the Secretariat and the Bern Convention Secretariat have developed<sup>1</sup> a draft scoreboard which was agreed at the joint meeting of MIKT and the Bern Convention Special Focal Points Network on Eradication of Illegal Killing, Trapping and Trade of Wild Birds at the Sliema. This tool will be implemented in the geographical scope of both MIKT and the Bern Convention.

### Intergovernmental Task Force to Address the Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway (ITTEA)

6. During a workshop of the Arctic Migratory Birds Initiative held in Singapore prior to MOP9 of EAAFP, there was a discussion on terminology to define IKB in Asia and the terminology agreed by the workshop participants was "illegal hunting, taking and trade of birds", IHB.
7. IHB of migratory birds in the East Asian-Australasian Flyway (EAAF) represent a major problem for several species, the decline of which is unprecedented both in its magnitude and speed.
8. In order to complement the efforts of the EAAFP to curb the impact of illegal hunting in the region, and following the appeal of Resolution 11.16 to establish Task Forces targeted at facilitating concerted action to eliminate IKB of shared populations of migratory birds in those areas where such problems are prevalent, the Secretariat has

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<sup>1</sup> Making use of funding provided by the Bern Convention Secretariat

developed draft Terms of Reference for the establishment of an Intergovernmental Task Force to Address the IHB of Migratory Birds in the East Asian-Australasian Flyway covering all migratory bird species affected (except waterbirds), aimed at complementing and coordinating its efforts with the EEAFP's equivalent Task Force.

#### Resolution 11.16

9. In order to highlight the developments of MIKT and include reference to recent developments, new text has been inserted in Resolution 11.16. Because of the process outlined in UNEP/CMS/COP12/Doc.21.1.29, Annex 1 of the present document takes as its starting point the remaining text of Resolution 11.16, as repealed in part in Annex 2 of UNEP/CMS/COP12/Doc.21.1.29.

#### Recommended actions

10. The Conference of the Parties is recommended to:
- a) adopt the proposed amendments to Resolution 11.16 contained in Annex 1;
  - b) adopt the draft Decisions related to MIKT contained in Annex 2;
  - c) adopt the draft Decisions related to illegal hunting of birds in the East Asian-Australasian flyway, contained in Annex 3;
  - d) take note of the scoreboard to assess the progress in combating IKB contained in Annex 4;
  - e) adopt the Terms of Reference of the Intergovernmental Task Force to address the Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway (ITTEA) contained in Annex 5 which will form an annex to the amended Resolution.

**ANNEX 1**

PROPOSED AMENDMENTS TO RESOLUTION 11.16

**THE PREVENTION OF ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS**

*NB: Proposed new text to the resolution that has been repealed in part in Doc 21.1.29 Annex 2 is underlined. Text to be deleted is crossed out.*

*Recalling* Article III (5) of the Convention which provides for Parties that are Range States to prohibit the taking of species included in Appendix I, and Article V (5) (k) on Guidelines for AGREEMENTS which suggests, where appropriate and feasible, each Agreement should prepare for procedures for co-ordinating action to suppress illegal taking;

*Further recalling* that the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MOU), the Action Plan for the Conservation of African-Eurasian Migratory Landbirds (AEMLAP) as adopted through Resolution 11.17, and most other bird-related MOUs and action plans under CMS include measures related to the protection of birds;

*Acknowledging* the collaborative effort of the International Consortium on Combating Wildlife Crime working to bring coordinated support to national wildlife law enforcement agencies and regional networks, and the need to establish a coordination mechanism between the Consortium and CMS in relation to the mandates laid out in this Resolution on illegal killing, taking and trade of migratory birds;

*Noting* the Guidelines to Prevent Poisoning of Migratory Birds as adopted through Resolution 11.15, and the Action Plan for the Conservation of African-Eurasian Migratory Landbirds;

*Regretting* that illegal killing, taking and trade of migratory birds still represent important factors against the achievement and maintenance of the favourable conservation status of bird populations in all major flyways, negatively affecting conservation actions undertaken by States and resulting in adverse impacts on the conservation, legal hunting, agriculture and tourism sectors;

*Concerned* that there are continued and intensified illegal killing, taking and trade of migratory birds in some areas, although also with significant reductions in others, and that the risk remains high that this is contributing to population declines of a number of species including some that are listed on CMS Appendix I and globally threatened with extinction (e.g., Spoon-billed Sandpiper *Eurynorhynchus pygmeus*, Yellow-breasted bunting *Emberiza aureola* and Marsh Seedeater *Sporophila palustris*);

*Aware* that subsistence uses, recreational activities and organized crime are key drivers of such illegal killing, taking and trade for, *inter alia*, supply of food, trophies, cage birds, and support of traditional practices;

*Aware* that such illegal killing, taking and trade are a cause of great national and international public concern along each flyway;

*Welcoming* the practical responses by several Parties and Signatories to CMS instruments to international concern about illegal killing, taking and trade of migratory birds;

*Welcoming* the recent enhanced focus on tackling the illegal killing, taking and trade of migratory birds in the Mediterranean region including through:

- Recommendation No 164 (2013) of the Bern Convention Standing Committee on the implementation of the Tunis Action Plan 2013-2020 for the eradication of illegal killing, trapping and trade of wild birds;
- The Roadmap towards eliminating illegal killing, trapping and trade of birds (12/2012) developed in relation to Directive 2009/147/EC of the European Parliament and Council on the Conservation of Wild 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) the development of which was funded by the Government of Germany; and
- BirdLife International's 2014 review of the scale and extent of illegal killing and taking in the Mediterranean and current development of protocols for monitoring the extent of such illegal activities;

*Recognizing* the role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as the principal international instrument for ensuring that international trade in specimens of wild animals and plants does not threaten the species' survival;

*Welcoming* the Declaration of the London Conference on the Illegal Wildlife Trade which states that “*Action to tackle the illegal trade in elephants and rhinoceroses will strengthen our effectiveness in tackling the illegal trade in other endangered species*”;

*Acknowledging* the role of legal and sustainable hunting of birds in sustainable livelihoods and conservation of habitats and the role of the hunting community in promoting and encouraging compliance with the law and sustainable hunting practices;

*Welcoming* the recent synergies on actions to prevent illegal killing created between the Bern Convention, the EU, the Convention on Migratory Species (CMS), the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MOU) and encouraging the continuation of their cooperation on the conservation of migratory birds;

*Noting* the Cairo Declaration supporting a zero-tolerance approach on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean Region as well as the Programme of Work (POW) of MIKT for the period 2016-2020 adopted at its first meeting.

*Acknowledging* the efforts of the Secretariat to build a sustainable line of cooperation with INTERPOL and EUROPOL within the framework of MIKT, towards effective law enforcement responses in the Mediterranean and serving as a basis to support other task forces established to address the illegal killing, taking and trade of migratory birds in other regions, when appropriate.

*Welcoming* the support from the Bern Convention Standing Committee on its 36<sup>th</sup> meeting to the organization of a back-to-back meeting of the Bern SFPs Network and MIKT in 2017 and *acknowledging* the productive cooperation established between both networks in the fight against illegal killing, taking and trade of wild birds.

*Acknowledging* the need to establish lines of action and co-operation on criminal matters affecting the environment in order to harmonize the national legislations;

*Welcoming* the support of the Criminal Justice Programme of the EU and the efforts of European BirdLife partners to assess levels of implementation and enforcement of Directive 2008/99/EC on the Protection of the Environment through Criminal Law by EU Member

States, and *welcoming* also the creation of a European Network of Environmental Crime as a coordination mechanism between legal and other practitioners which works to prevent and prosecute illegal bird killing and capture, facilitate information exchange, as well as builds communication channels with other networks and MEA Secretariats;

Recognizing the work of the East Asian-Australasian Flyways Partnership (EAAFP) to prevent illegal hunting and unsustainable harvest of migratory waterbirds, particularly the initiative to establish a task force on illegal hunting, taking and trade of migratory birds along the flyway, modelled on MIKT.

Noting the European Commission Communication COM (2016), 710 final, *Commission Work Programme 2017 "Delivering a Europe that protects, empowers and defends"*, and *welcoming* the initiative under Priority 10 envisaging an Action Plan on Environmental Compliance Assurance to support Member States on the promotion, monitoring and compliance enforcement by duty-holders with EU environmental law.

*Having regard* to the Strategic Plan of the Convention on Biological Diversity 2011-2020, and its Aichi targets, and *welcoming* the international partnership launched to support Parties to achieve Aichi Biodiversity Target 12;

*Referring* to the Strategic Plan for Migratory Species 2015-2023 (UNEP/CMS/COP11/Doc.15.2) and in particular Target 6 that "*fisheries and hunting have no significant direct or indirect adverse impacts on migratory species, their habitats or their migration routes, and impacts of fisheries and hunting be within safe ecological limits*";

*Having regard* to the Strategic Plan of AEWA, especially Target 2.3 "Measures to reduce and, as far as possible, eliminate, illegal taking of waterbirds, the use of poison baits and non-selective methods of taking are developed and implemented" and the Action Plan of the Raptors MoU, especially Priority Action 4a "Protecting all species from unlawful killing, including poisoning, shooting, persecution, and exploitation"; and

*Acknowledging* the widespread adoption of the zero-tolerance approach, as well as progress at the Party level towards the monitoring of illegal activities and the adoption of a coordinated approach covering each stage of the chain of activities related to illegal killing, taking or trade.

*The Conference of the Parties to the  
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Calls on* Parties, non-Parties and other stakeholders, including non-governmental organizations, to engage in immediate cooperation to address the illegal killing, taking and trade of migratory birds through support of, and collaboration with, existing international initiatives and mechanisms to address these issues, as well as establishing (as appropriate and where added value can be assured) Task Forces targeted at facilitating concerted action to eliminate illegal killing, taking and trade of shared populations of migratory birds in those areas where such problems are prevalent;

1 bis. *Takes note* of the scoreboard to assess the progress in combating illegal killing, taking and trade of wild birds included in Annex 1 to this Resolution;

1 ter. *Decides* to establish an Intergovernmental Task Force on Illegal Hunting, Taking and Trade of Migratory Birds in the East Asian-Australasian Flyway (ITTEA) and adopts the Terms of Reference included in Annex 2 to this Resolution;

2. *Calls also on* the Secretariat actively to explore with Parties and non-Party Range States and others in South and Central America and the Caribbean the potential to convene an Intergovernmental Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in that region;
3. *Urges* Parties and *encourages* non-Parties to ensure adequate national legislation to protect migratory species is in place and properly implemented and enforced, in line with CMS and its relevant associated instruments, especially AEW and the Raptors MoU, and other international instruments, especially the Bern Convention;
4. *Urges* Parties and *invites* non-Parties to promote and ensure synergies between work to implement the Guidelines to Prevent Poisoning of Migratory Birds as adopted through Resolution 11.15, in particular in relation to poisoned baits, and to prevent illegal killing of birds;
5. *Requests* the Task Force to encourage monitoring of the trends in illegal killing, taking and trade of migratory birds using comparable methodologies internationally and to facilitate the exchange of best practice experience in combating these activities, especially between particular trouble spots around the globe, building on the experience gained in the Mediterranean;
6. *Instructs* the Secretariat, in collaboration with Parties and relevant international organizations, subject to the availability of funds, and building on the experience in the Mediterranean to support efforts to address illegal killing, taking and trade of migratory birds elsewhere in the world, including through the organization of workshops, as appropriate;
7. *Calls on* Parties and *invites* non-Parties and stakeholders, with the support of the Secretariat, to strengthen national and local capacity for addressing illegal killing, taking and trade of migratory birds, *inter alia*, by developing training courses, translating and disseminating relevant materials and examples of best practice, sharing protocols and regulations, transferring technology, and promoting the use of online tools and other tools to address specific issues;
8. *Urges* Parties and *invites* UNEP and other relevant international organizations, bilateral and multilateral donors to support financially the operations of the Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean, including through funding for its coordination, and subject to the results of monitoring mentioned in paragraph 5, the development of equivalent Task Forces at other trouble spots, including through the provision of financial assistance to developing countries for relevant capacity building; and
9. *Calls on* the Secretariat to report progress, on behalf of the Task Force to Address Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean and other similar initiatives elsewhere in the world, on implementation and, as much as possible, on assessment of the efficacy of measures taken, at each meeting of the Conference of the Parties.

PROPOSED DECISIONS

**TASK FORCE ON ILLEGAL KILLING, TAKING AND TRADE OF MIGRATORY BIRDS IN THE MEDITERRANEAN (MIKT)**

***Directed to Parties***

12.AA Parties and members of the MIKT are requested to:

- a) provide the Secretariat with the information required on the periodic reporting system related to the scoreboard which was agreed by MIKT and the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade of Wild Birds.

***Directed to Parties, intergovernmental and non-governmental organisations and stakeholders***

12.BB Parties, intergovernmental and non-governmental organizations are encouraged to:

- a) implement the Programme of Work of MIKT 2016-2020.

***Directed to the Secretariat***

12.CC The Secretariat shall:

- a) compile, in the intersessional period between COP12 and COP13, the information duly reported by the Parties and elaborate, in cooperation with the Bern Convention Secretariat the relevant scoreboard results which will evaluate and benchmark the national progress to address the illegal killing, taking and trade of wild birds.
- b) share in the CMS website the periodic results of the scoreboard in the intersessional period between COP12 and COP13.

**ANNEX 3**

PROPOSED DECISIONS

**ILLEGAL HUNTING, TAKING AND TRADE OF MIGRATORY BIRDS IN EAST ASIAN-AUSTRALASIAN FLYWAY**

***Directed to Parties, intergovernmental and non-governmental organizations and stakeholders***

12.DD Parties, intergovernmental and non-governmental organizations are encouraged to:

- a) support financially:
  - i. the operations of the Intergovernmental Task Force to Address Illegal Hunting, Taking and Trade of Migratory Birds in the EAAF (ITTEA); and
  - ii. its coordination.

***Directed to the Secretariat***

12.EE The Secretariat shall, subject to the availability of external resources:

- a) convene ITTEA in line with the Terms of Reference contained in Annex 2 of Resolution 11.16 (Rev. COP12).



ANNEX 4

# Scoreboard to assess the progress in combating illegal killing, taking and trade of wild birds (IKB)

A self-assessment framework for national use

Final Draft

17 July 2017

*Prepared by the Secretariats of the Bern Convention and of CMS  
with the support of Umberto Gallo-Orsi and Sergei Golovkin*

*This document was extensively discussed at the Joint Meeting of the Bern Convention  
Network of Special Focal Points on  
Eradication of Illegal Killing, Trapping and Trade in Wild Birds (Bern SFPs Network) and the  
UN Environment/CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of  
Migratory Birds in the Mediterranean (MIKT), held in  
Sliema (Malta), the 22<sup>nd</sup> and 23<sup>rd</sup> June 2017*

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## List of Acronyms

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
EU	European Union
ICCWC	The International Consortium on Combating Wildlife Crime
IKB	Illegal Killing, Trapping and Trade in Wild Birds
MIKT	Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean
MOP	Meeting of Parties
NGO	Non Governmental Organization
PoW	Program of Work
SC	Standing Committee
SFP	Special Focal Point
TAP	Tunis Action Plan 2013 - 2020

## Aim of the IKB Scoreboard

Over the past few years, the issue of illegal killing and taking of birds (IKB)<sup>2</sup> has steadily gained prominence on the international agenda. This prominence became embedded within a number of high profile international instruments and commitments, including those adopted under the framework of the Bern Convention, CMS and CITES, as well as within a plethora of initiatives spurred by the EU. The Bern Convention Tunis Action Plan (TAP), the EU Roadmap on the Eradication of Illegal Killing, Trapping and Trade in Wild Birds, the European Commission Communication and Council Conclusions on an EU Action Plan Against Wildlife Trafficking and the CMS Mediterranean Task Force on Illegal Killing, Taking and Trade of Migratory Birds (MIKT) are amongst the main examples of such commitments. A common feature of such instruments is that they often envisage regular assessment of progress.

At the first MIKT meeting which took place in Cairo in 2016, a Programme of Work 2016-2020 was adopted, which foresaw the development of a scoreboard as a high priority action to assess progress on the eradication of IKB at national level. Another high priority action was to harmonize reporting format and periodicity under the CMS COP and the Bern Convention TAP, in order to avoid duplication and extra burdens on member countries.

The CMS reporting system, which is more a general report on different issues will continue operate between COPs. On the other hand, the Scorecard reporting system is focused on a specific problem that needs to be addressed as soon as possible. The need to develop such a tool to be used jointly by the Bern Convention and CMS was also raised by the Chair of the Special Focal Points Network of the Bern Convention at the 36<sup>th</sup> meeting of the Standing Committee to the Convention in November 2016. The Standing Committee welcomed the increased coordination efforts shown in the past years by different organizations, Conventions and stakeholders, aimed to increase synergies in the work of their respective platforms and initiatives, as these efforts support the implementation of the TAP. As well as existing formal reporting by national administrations, self-assessment of progress is also supported by studies carried out by various non-governmental stakeholders. The recent study to estimate the extent of IKB in the Mediterranean led by BirdLife International is an example of such an initiative.

The present IKB Scoreboard proposal is intended to provide the national governments with a tool to provide an objective, fact-based national self-assessment of the current status of illegal killing of birds at national level, and enable States to measure their progress in implementing their commitments related to this area.

The indicators framework has been developed with the view of offering to the national administrations a simple tool, which, given the complexity of the issue at stake, is easy to compile and interpret and which may be applied either at national, or appropriate sub-national scales.

The present scoreboard is largely based on the format previously developed by the International Consortium in Combating Wildlife Crime<sup>3</sup> (ICCWC) which provides an Indicator Framework for Combating Wildlife and Forest Crime. However, this format required a number of changes and adaptations, in order to focus on the specific requirements for the assessment and measurement of IKB, as opposed to a general assessment of the state of affairs with regard to international wildlife trade, of which IKB is only a limited component. In particular large part of the methodology, the format of the scoreboard and several indicators are taken from the ICCWC indicator framework.

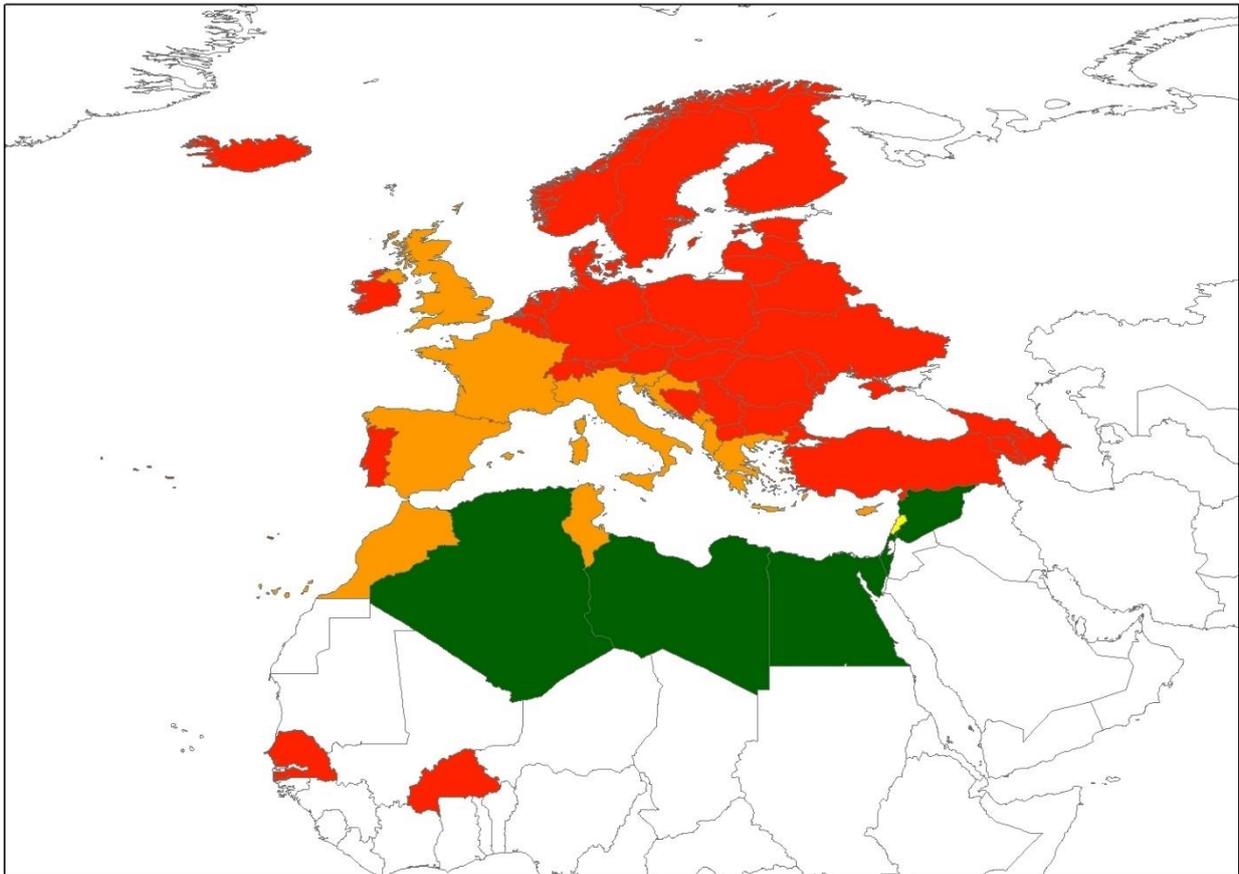
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<sup>2</sup> IKB is defined for the purpose of this Scoreboard as: those unlawful activities committed intentionally resulting in the death, injury or removal of specimens of wild birds from the wild either dead or alive, including their parts or derivatives.

<sup>3</sup> <https://cites.org/eng/prog/iccwc.php>

The IKB Scoreboard makes it possible for States to assess their progress not only at the national level but also on a regional scale as appropriate, significantly contributing to prioritization and commitment of resources by national administrations, NGOs and international actors.

It offers the national authorities an opportunity to show leadership and the capacity and willingness of being proactive and transparent regarding their efforts to tackle an issue which is far more common than previously recognized. The process leading to its compilation, as described in the next pages, promotes cooperation and sharing of experience and know-how between governmental bodies and national stakeholders. The cooperation developed among stakeholders and the information gathered for compiling the scoreboard can be the basis for the development of a national action plan. Additionally, if a national action plan has already been developed the scoreboard can be used to monitor its implementation at national level.



**Picture 1** - The geographical scope of the present document is the entire area covered by the Bern Convention and MIKT. In Orange, the Bern Convention Contracting Parties and members of MIKT; in Red, the Bern Convention Contracting Parties and observers<sup>4</sup> of MIKT; in Green, members of the MIKT and not Contracting Parties to the Bern Convention; in Yellow, other observers of MIKT, and not Contracting Party to Bern Convention.

Furthermore, the IKB Scoreboard provides the opportunity for national administrations, as well as for various stakeholders at national and international level, to raise political profile, commitment and mobilization of resources towards the eradication of IKB.

At international level the IKB Scoreboard promotes collaboration and sharing of experience because several countries facing the same obstacles in improving their scores in a particular area may want to work together to define strategies, deliver training and share experiences.

**The scoreboard shall not be used in relation to any Treaty compliance process.**

<sup>4</sup> Observers of MIKT are referred to Interested Parties and/or Non-Parties to CMS (namely, Germany, Portugal, Bosnia-Herzegovina and Turkey).

## Overview of the Scoreboard

The indicator framework which forms the backbone of the Scoreboard for States to self-assess progress on the eradication of IKB is organized in five areas each looking at a specific aspect of the fight against IKB:

- A. National monitoring of IKB (management of data on scope and scale of IKB) – 4 indicators
- B. Comprehensiveness of national legislation - 9 indicators
- C. Enforcement response (preparedness of law enforcement bodies and coordination of national institutions) - 6 indicators
- D. Prosecution and sentencing (effectiveness of judicial procedures) – 4 indicators
- E. Prevention (other instruments used to address IKB) – 5 indicators

The 28 indicators represent the critical areas to assess the effectiveness of a national response to IKB.

The first group of indicators provides an insight into the extent of and knowledge of the scale of IKB at national level looking at the number of birds illegally killed, taken or traded per year as well as the number of cases prosecuted.

The second group of indicators assesses the extent to which the national legislation addresses IKB, regulates the taking of wild birds and incorporates international law and commitments.

The third group of indicators explores the enforcement responses to IKB in terms of the existence of a plan of actions with appropriate priority shared among law enforcement agencies properly trained and staffed resulting in cases prosecuted.

The fourth group of indicators covers to investigate 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 final group of indicators looks at other instruments useful in reducing IKB such as public awareness, addressing drivers of IKB, international coordination and stakeholder engagement.

**Table 1** – The indicators in the IKB Scoreboard

<b>A.</b> <b>National monitoring of IKB (data management of scope and scale of IKB)</b>	<b>1. Status and scale of IKB</b> The extent to which data on illegal activities at national level are available
	<b>2 Number, distribution and trend of illegally killed, trapped or traded birds</b> The extent, trend, seasonal and geographic distribution of illegally killed, trapped and traded birds in your country including overseas territories.
	<b>3. Extent of IKB cases known to justice</b> The extent to which data on illegal activities at national level are available

	<p><b>4. Number of IKB cases prosecuted in the reporting period</b> The extent of cases of IKB prosecuted in the reporting period</p>
<p><b>B. Comprehensiveness of national legislation</b></p>	<p><b>5. National wildlife legislation</b> The comprehensiveness of national legislative provisions in force for wildlife conservation, management and use, including prohibition of IKB</p> <p><b>6. Regulated use</b> The comprehensiveness of national legislation concerning sustainable use of wildlife, including hunting</p> <p><b>7. Prohibitions under national legislation</b> The extent of activities forbidden under national legislation</p> <p><b>8. Exceptions under national legislation</b> The extent of regulatory scrutiny concerning any authorization of exemptions</p> <p><b>9. Sanctions and penalties</b> The extent to which penalties for IKB are comprehensive</p> <p><b>10. Proportionality of penalties</b> The extent to which severity of IKB cases is reflected in the relevant national legislation</p> <p><b>11. Use of criminal law</b> The extent to which a combination of relevant national legislation and criminal law are used to prosecute IKB in support of legislation enacted to combat wildlife crime</p> <p><b>12. Organized crime legislation</b> The extent to which specific legislation to address organized crime is used to combat IKB</p> <p><b>13. Transposition of international law and commitment to national legislation</b> The comprehensiveness of national legislative provisions to transpose the State's international commitments related to IKB</p>
<p><b>C. Enforcement response (preparedness of law enforcement bodies and coordination of national institutions)</b></p>	<p><b>14. National Action Plan for combating IKB</b> The existence of a national strategy or action plan for IKB</p> <p><b>15. Enforcement priority</b> The recognition of combating wildlife crime as a high national level priority</p> <p><b>16. Stakeholders and Policy-making</b> The level of stakeholder participation in IKB-related policy-making</p> <p><b>17. Staffing and recruitment</b> The level of staff resources in national law enforcement agencies to combat wildlife crime</p> <p><b>18. Specialized training</b> The percentage of enforcement officers trained per year in IKB-related aspects</p> <p><b>19. Field enforcement effort</b> The intensity of efforts devoted by law enforcement agencies to combat IKB</p>
<p><b>D. Prosecution and sentencing</b></p>	<p><b>20. Quality of judiciary processes</b> Effectiveness and efficiency of administration of sanctions for IKB offences</p>

<b>(effectiveness of judicial procedures)</b>	<b>21. Sentencing guidelines</b> The existence of national guidelines for the sentencing of offenders convicted for wildlife crime
	<b>22. Judicial awareness</b> The extent of awareness of wildlife crime among the judiciary and the appropriateness of the verdicts handed down
	<b>23. Judiciary training</b> The percentage of judiciary trained in IKB-related aspects
<b>E. Prevention (other instruments used to address IKB)</b>	<b>24. International cooperation</b> The extent to which national institutions take advantage of the international initiatives and working groups on IKB
	<b>25. Drivers of wildlife crime</b> The extent to which the drivers of IKB in the country are known and understood
	<b>26. Demand-side activities</b> The extent to which activities to address the demand of illicit wildlife products are implemented
	<b>27. Regulated community</b> The extent of awareness-raising materials and/or programmes are in place to increase the awareness of the regulated community, of the laws that apply to the sustainable use of wild birds
	<b>28. Public awareness actions</b> The extent of awareness-raising materials and/or programmes in place to increase public awareness of IKB

## How to use the IKB Scoreboard

### *The process*

The IKB Scoreboard provides a voluntary self-assessment method for the systematic gathering of appropriate information at a national level, and which would enable States to compare results at regional and international level as appropriate, and identification and sharing of any methods that have been particularly effective or shared challenges or deficiencies that require further concerted action to be addressed.

The assessment aims to enable States to review their progress toward the implementation of the Tunis Action Plan and the MIKT Programme of Work; it should therefore be completed periodically. Therefore, States will want to complete it periodically.

The primary input to the Scoreboard consists of a self-assessment by the responsible national administrations. For maximum accuracy and objectivity, it is recommended that the assessment is completed in a collaborative process with the participation of staff from relevant law enforcement agencies, such as the wildlife regulatory agency and the relevant law enforcement bodies. Consultation with non-governmental stakeholders such as the regulated communities<sup>5</sup> and conservation organizations is also recommended.

The process described below would fit well in the development process of a national action plan as the relevant stakeholders (both governmental and non-governmental) would be the same and the information captured would provide the knowledge on the current situation and enable States to assess future progress. A detailed step-by-step guide is set out in Table 2.

<sup>5</sup> The regulated community could include harvesters, traders and/or any individual or group that is issued a permit and/or licence to take, use and/or trade in wild birds and their products, and/or that conducts business activities related to the trade in wild birds.

**Table 2** - Conducting an assessment using the IKB Indicator Framework – a step-by-step guide

<b>Planning</b>	<p><b>1. Identify the lead agency and establish a project team</b></p> <p>Each assessment will typically be undertaken by a lead agency. To ensure collaboration of other key agencies involved in combating IKB an inter-agency team should be established.</p> <p><b>2. Identify the relevant stakeholders and experts to be involved</b></p> <p>It is recommended that the process of assessment at the national level should ideally involve all relevant stakeholders including NGOs.</p> <p><b>3. Secure resourcing needs</b></p> <p>It is recommended that the allocation of necessary resources to the assessment exercise is planned in advance.</p>
<b>Data collection</b>	<p><b>4. Identify data needs</b></p> <p>The vast majority of the indicators require expert assessments, the review of legislation and procedures and, in a few cases, the collation and analysis of data. The availability, accessibility and related costs need to be considered at an early stage in order to facilitate timely access to the required data.</p> <p><b>5. Request data</b></p> <p>In some instances data may be under custodianship of other agencies and a formal access request will need to be submitted. The first attempt at assessment may flag areas where important data are not currently being recorded. Steps should be taken as early as possible to ensure that data needs are addressed.</p> <p><b>6. Gather and review documentation</b></p> <p>A number of questions require the review of documentation, operational processes or data. Such documentation should be gathered and reviewed as soon as possible before the collaborative assessment and workshop.</p> <p><b>7. Conduct workshop to complete expert based assessment</b></p> <p>It is recommended that a workshop be conducted to review and rate the assessment indicators. The participants should represent the relevant agencies and stakeholders identified in step 2. It is recommended that the assessment template be shared well before the workshop.</p>
<b>Analysis and recording at the national level</b>	<p><b>8. Analyse results</b></p> <p>The majority of the IKB indicators are scored allowing for an overall score for each of the 6 groups to be generated. Comparing the scores between the groups can help in the identification of the relative strengths and weaknesses of the current response to IKB. An overall score will also be calculated. In the first assessment the initial benchmarking rating will be generated. After the second and third assessments and overall score, it will be possible to identify and explore trends.</p>

<b>9. Identify process improvements</b>	<p>The project team should consider the process followed and identify and briefly document any change or improvement that should be incorporated in the future assessment informing the Bern Convention and CMS Secretariats.</p>
<b>Publication and aggregation of scoreboard at international level</b>	<p><b>10. Final publication and dissemination</b></p> <p>The Convention Secretariats shall aggregate and publish final Scoreboard and individual country responses. The final aggregated Scoreboard shall also be reported to the Standing Committee to the Bern Convention and CMS COP and widely disseminated.</p>

## Time table for implementing the self-assessment

In order to self-assess over time the national progress in combating IKB, the scoreboard needs to be used repeatedly.

Both the Tunis Action Plan (TAP) and the MIKT Programme of Work (PoW) envisage regular monitoring and reporting on progress. This tool offers the opportunity to report on both initiatives, as appropriate.

It is envisaged that the first self-assessment will be implemented in 2018. This will be the baseline which will enable States to benchmark national and regional IKB status and efforts. The next self-assessment will be carried out in 2020 as this is the horizon of both TAP and MIKT PoW. The third self-assessment will be carried out in 2023. The following assessments will be in synchrony with the CMS COPs (i.e. every 3 years).

	2017				2018				2019				2020				2021				2022				2023							
	I	II	III	IV																												
IKB Scoreboard							B								1																2	
TAP																																
Bern Conv. SC																																
SFP meeting																																
MIKT meeting																																
CMS COP																																
AEWA MOP																																
EU Reporting art 12																																

**Table 3** – IKB relevant meetings and reporting. The Baseline Assessment ‘B’ will benchmark national status, while Report n. 1 will be used to self-assess the progress in relations to TAP and MIKT POW. Assessment No. 2 and subsequent will be every 3 years synchronised with the CMS COP meetings.

## The use of self-assessment indicators at the national level

Most indicators are measured using the opinions of experts from relevant national law enforcement agencies and other stakeholders as appropriate. Each of these expert-based assessment indicators provides a question followed by a four-part answer scale, with each answer typically containing multiple components. While related, these components are listed separately so that experts can evaluate each component individually to identify those that best match the national situation. After considering the different components of an answer it is then possible to identify which of the four answer ratings – listed from 0 to 3 – best represents the national situation. In some instances it may be less obvious which of the four ratings to choose. A brief written justification of the choices should be included in the comments under

each indicator. Some guidance that can be followed in these situations is provided in the following scenarios.

### Scenario 1: Single rating

In the simplest scenario, participating experts will choose components that all fit under one rating. In these instances, this rating should be chosen for the indicator.

0 <input type="checkbox"/>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
IKB cases: <input type="checkbox"/> Are <b>not</b> prosecuted before criminal courts <input type="checkbox"/> Are <b>not</b> subject to sanctions under administrative or other penalty regime <input type="checkbox"/> IKB cases are not recorded and not accessible to other prosecutors/judges	IKB cases: <input checked="" type="checkbox"/> Usually take <sup>1</sup> over <b>two years</b> to conclude in the case of criminal proceedings <input checked="" type="checkbox"/> Usually take <sup>2</sup> over six months to conclude in the case of administrative or other penalty regime <input checked="" type="checkbox"/> Generally result in over 50% acquittals <sup>3</sup> <input checked="" type="checkbox"/> Are handled by general prosecutors and judges <b>not</b> specialized in wildlife crime <input checked="" type="checkbox"/> IKB cases are recorded but not easily accessible to other prosecutors/judges	IKB cases: <input type="checkbox"/> Usually take over <b>one year</b> but under two years to conclude in the case of criminal proceedings <input type="checkbox"/> Usually take over <b>three months</b> but under six months to conclude in the case of administrative or other penalty regime <input type="checkbox"/> Generally result in <b>less than 25%</b> acquittals <input type="checkbox"/> Are mostly handled by general prosecutors and judges that <b>tend to</b> specialize in wildlife crime cases <input type="checkbox"/> IKB cases are recorded and are accessible to other prosecutors/judges nationally	IKB cases: <input type="checkbox"/> Usually take under <b>one year</b> to conclude in the case of criminal proceedings <input type="checkbox"/> Usually take under <b>three months</b> to conclude in the case of administrative or other penalty regime <input type="checkbox"/> Generally result in <b>less than 10%</b> acquittals <input type="checkbox"/> Are <b>mostly</b> handled by specialized prosecutors and judges <input type="checkbox"/> IKB cases are recorded and accessible to other prosecutors/judges regionally at the geographic scope of the IKB Scoreboard

### Scenario 2: Split rating

For some indicators, participating experts may choose components that fall under more than one answer rating. In these instances, the rating that has the most selected answers should be chosen for the indicator.

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>
IKB cases: <input type="checkbox"/> Are <b>not</b> prosecuted before criminal courts <input type="checkbox"/> Are <b>not</b> subject to sanctions under administrative or other penalty regime <input type="checkbox"/> IKB cases are not recorded and not accessible to other prosecutors/judges	IKB cases: <input type="checkbox"/> Usually take <sup>1</sup> over <b>two years</b> to conclude in the case of criminal proceedings <input type="checkbox"/> Usually take <sup>2</sup> over six months to conclude in the case of administrative or other penalty regime <input checked="" type="checkbox"/> Generally result in over 50% acquittals <sup>3</sup> <input type="checkbox"/> Are handled by general prosecutors and judges <b>not</b> specialized in wildlife crime <input type="checkbox"/> IKB cases are recorded but not easily accessible to other prosecutors/judges	IKB cases: <input checked="" type="checkbox"/> Usually take over <b>one year</b> but under two years to conclude in the case of criminal proceedings <input checked="" type="checkbox"/> Usually take over <b>three months</b> but under six months to conclude in the case of administrative or other penalty regime <input type="checkbox"/> Generally result in <b>less than 25%</b> acquittals <input checked="" type="checkbox"/> Are mostly handled by general prosecutors and judges that <b>tend to</b> specialize in wildlife crime cases <input checked="" type="checkbox"/> IKB cases are recorded and are accessible to other prosecutors/judges nationally	IKB cases: <input type="checkbox"/> Usually take under <b>one year</b> to conclude in the case of criminal proceedings <input type="checkbox"/> Usually take under <b>three months</b> to conclude in the case of administrative or other penalty regime <input type="checkbox"/> Generally result in <b>less than 10%</b> acquittals <input type="checkbox"/> Are <b>mostly</b> handled by specialized prosecutors and judges <input type="checkbox"/> IKB cases are recorded and accessible to other prosecutors/judges regionally at the geographic scope of the IKB Scoreboard

If the components are selected equally across two (or more) ratings, a conservative approach should be taken and the lower of the two ratings should be selected for the indicator.

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>
IKB Cases: <input type="checkbox"/> Are <b>not</b> prosecuted before criminal courts <input type="checkbox"/> Are <b>not</b> subject to sanctions under administrative or other penalty regime <input type="checkbox"/> IKB cases are not recorded and not accessible to other prosecutors/judges	IKB Cases: <input type="checkbox"/> Usually take over <b>two years</b> to conclude in the case of criminal proceedings <input type="checkbox"/> Usually take over six months to conclude in the case of administrative or other penalty regime <input type="checkbox"/> Generally result in over 50% acquittals <input type="checkbox"/> Are handled by general prosecutors and judges <b>not</b> specialized in wildlife crime <input type="checkbox"/> IKB cases are recorded but not easily accessible to other prosecutors/judges	IKB Cases: <input type="checkbox"/> Usually take over <b>one year</b> but under two years to conclude in the case of criminal proceedings <input checked="" type="checkbox"/> Usually take over <b>three months</b> but under six months to conclude in the case of administrative or other penalty regime <input type="checkbox"/> Generally result in <b>less than 25%</b> acquittals <input checked="" type="checkbox"/> Are mostly handled by general prosecutors and judges that <b>tend</b> to specialize in wildlife crime cases <input type="checkbox"/> IKB cases are recorded and are accessible to other prosecutors/judges nationally.	IKB Cases: <input checked="" type="checkbox"/> Usually take under <b>one year</b> to conclude in the case of criminal proceedings <input type="checkbox"/> Usually take under <b>three months</b> to conclude in the case of administrative or other penalty regime <input checked="" type="checkbox"/> Generally result in <b>less than 10%</b> acquittals <input type="checkbox"/> Are <b>mostly</b> handled by specialized prosecutors and judges <input type="checkbox"/> IKB cases are recorded and accessible to other prosecutors/judges regionally at the geographic score of the IKB Scoreboard

### Scenario 3: Lack of consensus

The expert assessment is best completed with the participation of experts from all relevant enforcement agencies and it is recommended that a multi-stakeholder group should be involved. At times there may not be a consensus, among experts, on the national situation. In these situations there are a number of approaches that can be followed to generate a single national rating, and the key to all will be documenting the variety of responses for each indicator to provide useful contextual information for the analysis of results.

- a. If one enforcement agency has a clear predominant role for the indicator in question it is suggested that the components chosen by that agency is adopted, and the views of other agencies and stakeholders are clearly described in the comments section.
- b. If there is not a clear lead agency for the indicator (e.g. for the indicator which relates to the training needs of all agencies), it is suggested to take a conservative approach by adopting the lower overall rating, again taking care to clearly document the different views provided in the comments section. For these indicators it may also be beneficial to complete the assessment at an individual agency level to produce a separate rating for each enforcement agency.
- c. In cases where there is a diverse range of expert opinions and no clear way forward, it is suggested that a rating for the indicator is not produced and the differing views are clearly documented recording the minimum and maximum rating and their justification.

### Scoring and assessing results

Most indicators can score between 0 and 3. Two indicators (No. 12 and No. 16) include the option 'not applicable' which, if used, will do not generate a score for that particular indicator.

States will want to clearly indicate why they consider the indicator as not applicable to their country. The maximum score from the national-level assessment (i.e. the sum of the scores of all indicators) will be 75. It will also be useful to look at the score for each group of indicators by calculating the average score per group as the number of score-producing indicators varies across the five groups.

<i>Indicator</i>	<i>Indicator Group</i>	<i>Maximum Group score</i>	
<b>1. Status and scale of IKB</b>			
<b>2. Number and distribution of illegally killed, trapped or traded birds (data)</b>	A. National monitoring of IKB (data management of scope and scale of IKB)	6	
<b>3. Extent of IKB cases known to justice</b>		+ data	
<b>4. Number of IKB cases prosecuted in the last year (data)</b>			
<b>5. National wildlife legislation</b>			
<b>6. Regulated use</b>	B. Comprehensiveness of national legislation	27 (24 if the score of indicator 12 is "N/A")	
<b>7. Prohibitions under national legislation</b>			
<b>8. Exceptions under national legislation</b>			
<b>9. Sanctions and penalties</b>			
<b>10. Proportionality of penalties</b>			
<b>11. Use of criminal law</b>			
<b>12. Organized crime</b>			
<b>13. Transposition of international law and commitment to national legislation</b>	C. Enforcement response (preparedness of law enforcement bodies and coordination of national institutions)	15 (12 if the score of indicator 16 is "N/A")	
<b>14. National Action Plan for combating IKB</b>			
<b>15. Enforcement priority</b>			
<b>16. Stakeholders and policy-making</b>			
<b>17. Staffing and recruitment</b>			
<b>18. Specialized training</b>	D. Prosecution and sentencing (effectiveness of judicial procedures)	12	
<b>19. Field enforcement effort (data)</b>			+ data
<b>20. Quality of judiciary processes</b>			
<b>21. Sentencing guidelines</b>			
<b>22. Judicial awareness</b>	E. Prevention (other instruments used to address IKB)	15	
<b>23. Judiciary training</b>			
<b>24. International cooperation</b>			
<b>25. Drivers of wildlife crime</b>			
<b>26. Demand-side activities</b>			
<b>27. Regulated community</b>			
<b>28. Public awareness actions</b>			
<b>TOTAL MAXIMUM SCORE</b>		75, (72 or 69)	

Three indicators do not generate a score but cover the provision of data. The data in particular refer to: the number of birds illegally killed, trapped or traded (indicator No. 2), the number of people prosecuted for IKB (indicator No. 4) and the field enforcement effort (indicator No. 19). The three data sets provide important insight into the extent and trend of IKB in each country.

The estimation of the amount of birds illegally killed, trapped or traded is likely to require some effort to generate. Defining the extent of an illegal activity is always a complex task, which will require good knowledge of the methods used by the criminals and the involvement of a number of relevant stakeholders. No guiding documents have been developed so far by the Bern Convention or CMS and currently the only available specific guidelines are those

produced by BirdLife international and presented at the first MIKT meeting<sup>6</sup>. National authorities are invited to provide information on how their estimates are generated.

Data for Indicator No. 4 should be available through the databases managed (or populated) by the judicial system to monitor its activities. Indicator No. 19 can be complemented with more detailed information on the number of staff (or staff days) deployed on the ground as this information may be held by the law enforcement agencies and used to report on their activities and results.

The majority of the indicators investigate the responses of the national authorities to IKB and are crucial to monitor progress and inform the national authorities where further efforts are needed. In other words, indicators No. 1 and No. 2 measure the state and trend of IKB, while the others enable the State to self-assess measures on the illegal killing, trapping and trade of wild birds.

## Presenting the results

The total score produced by the indicators enables the State to measure the extent of its efforts to address IKB. Although a simple method of scoring may appear a simple way to self-assess measures on IKB, it fails to provide a full picture of the complex issue at stake.

Furthermore, a single figure score is unlikely to provide useful information on the areas on which each State should concentrate to develop a full range of appropriate responses to IKB. Therefore, aggregated results may be presented in a tabular form comparing them by groups of indicators based on the national score versus maximum possible score. Maximum possible scores for groups B and C vary depending on whether the 'not applicable' option has been used or not. As national results are expressed as a percentage of the total possible score at national level, any aggregated results would reflect countries responding 'not applicable' to one or both indicators.

Each result will be given a colour code:

- Red - National score <25% of maximum possible score
- Yellow - National score between 25% and 50% of maximum possible score
- Light green - National score between 50% and 75% of maximum possible score
- Green - National score >75% of maximum possible score

This will allow an assessment, at national level, of the areas where more work might be required and enable States to share information at international level and to identify areas where guidance and support may be necessary.

Finally, the actions that each country has implemented or considers that it should develop further are also directly linked to the severity of the IKB issue. Therefore, the information provided by each country through Indicator No. 4 (estimation of number of birds illegally killed or taken) will be displayed (as class of severity) in a further column.

The severity classes will be:

- Class I (Red) - Annual IKB estimate >2.5 million;
- Class II (Orange) - Annual IKB estimate 750,000 – 2.5 million;
- Class III (Light orange) - Annual IKB estimate 100,000 – 750,000;
- Class IV (Yellow) - Annual IKB estimate <100,000.

This will put the results shown in the first columns in context with the magnitude of the problem of illegal killing of wild birds at national level.

<sup>6</sup> MIKT1 document, available at <http://www.cms.int/en/document/best-practice-guide-monitoring-illegal-and-taking-birds>

Country	A. National monitoring of IKB	B. Comprehensiveness of national legislation	C. Enforcement response	D. Prosecution and sentencing	E. Prevention	Size of IKB problem
XXX						
YYY						
ZZZ						
....						

The six scores together will allow a better self-assessment of efforts and successes of each country in addressing the Illegal killing of wild birds and as an indicator of self-assessed results, the following icons may be used:



IKB still requires significant effort



IKB requires more effort



IKB largely addressed



## IKB Scoreboard

### Assessment template<sup>7</sup>

Country	
Date of assessment	
Reporting period	
Contact person	
Contact details	

<sup>7</sup> Once completed and published, this scoreboard shall not be used in relation to any Treaty compliance process.

## A. National monitoring of IKB – data management of scope and scale of IKB.

### 1. Status and scale of IKB

The extent to which data and information on illegal activities at national level are available.

**Question: What is the quality of national data about IKB?**

*Measurement:*

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<input type="checkbox"/> Data and information on number of totals of birds illegally killed or taken due to IKB <b>are not available.</b>	<input type="checkbox"/> National estimate of birds illegally killed or taken due to IKB is based <b>on expert opinion</b> <sup>8</sup> and anecdotal information.	<input type="checkbox"/> National estimate of birds illegally killed or taken due to IKB is based <b>partially on quantitative data</b> and records and partially on estimates and extrapolation.	<input type="checkbox"/> National estimates of birds illegally killed or taken due to IKB is based largely on <b>quantitative data</b> and records.

Comments:

<sup>8</sup> Expert Opinion is defined as: the knowledge of whom by virtue of special knowledge, skill, training, or experience is qualified to provide information in matters that exceed the common knowledge of ordinary people.

## 2. Number, distribution and trend of illegally killed, trapped or traded birds

The extent, trend, seasonal and geographic distribution of illegally killed, trapped or traded birds in your country including relevant overseas territories<sup>9</sup>.

**Question: How many birds and in which season are estimated to be illegally killed, trapped or traded every year in your country including relevant overseas territories? What is the trend?**

*Measurement: Number of birds estimated to be illegally killed, trapped or traded every year*

	March / May	June / August	September / November	December / February	Total
<b>National level</b>					
<b>(region/area/territory)</b>					
[add lines for each region from which data or estimate is available]					

<b>IKB trend over past 3 years</b>	Increasing <input type="checkbox"/>	Stable <input type="checkbox"/>	Decreasing <input type="checkbox"/>	No clear trend <input type="checkbox"/>
------------------------------------	--	------------------------------------	--	--

Comments<sup>10</sup>:

<sup>9</sup> Only Overseas Territories within the area covered by the map in Picture 1 where the Bird Directive applies

<sup>10</sup> Please provide information on how the estimates have been developed.

### 3. Extent of IKB cases known to national authorities

The extent to which data on illegal activities at national level are available.

**Question: Are data on the status and scale of IKB cases available?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<input type="checkbox"/> Data on IKB cases number and distribution are <b>not available</b> . <input type="checkbox"/> Data on IKB cases number and distribution are available but have <b>not been used</b> to assess IKB scale and distribution.	<input type="checkbox"/> National estimate on numbers and distribution of cases of IKB <b>is based entirely on expert opinion</b> / modelling / other indirect methods	<input type="checkbox"/> National estimates on the scale and distribution of cases of IKB <b>are extrapolated</b> on the basis of <b>partial</b> IKB disclosed crime statistics	<input type="checkbox"/> National data on IKB cases are available and is <b>based on official and comprehensive</b> IKB crime disclosure statistics.

Comments:

#### 4. Number of IKB cases prosecuted in the reporting period.

The extent of cases of IKB prosecuted in the reporting period.

**Question: How many IKB cases have been prosecuted in the reporting period in your country?**

*Details concerning the number of IKB cases prosecuted in the assessment period.*

Category of IKB offence	Number of persons prosecuted in the assessment period	Number of bird specimens involved in the offence (specimens seized)
Illegal killing of protected birds (shooting, poisoning, other methods of killing)		
Illegal taking of protected birds (trapping using any means)		
Illegal possession of live / dead protected birds		
Illegal importation or transport of live / dead protected birds		
Illegal taxidermy of protected birds		
Illegal trade in protected birds (including trafficking for sale, marketing for sale of any live or dead protected birds or their parts)		
Serving / offering of protected species in restaurants		
Use of prohibited methods of hunting (bird callers, snares, nets, lights, gas, etc)		
Hunting outside open season or during unpermitted hours		
Hunting without a license, breach of license conditions (e.g. exceedance in hunting quotas, failure to report birds caught, etc)		
Hunting in prohibited areas (game reserves)		
Removal of eggs		
<b>Totals</b>		

Having regard to the Bern Convention draft reporting format for recording of wild bird crime cases<sup>11</sup>, as well as to the following working definition of IKB: “Those unlawful<sup>12</sup> activities committed intentionally resulting in the death, injury or removal of specimens<sup>13</sup> of migratory birds from the wild either dead or alive, including their parts or derivatives”, respondents should indicate the number of cases of IKB-related offences for each offence category

<sup>11</sup><https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2919703&SecMode=1&DocId=2369656&Usage=2>

<sup>12</sup> “Unlawful” means for this purpose infringing national, regional or international law.

<sup>13</sup> “Specimen” means an animal whether dead or alive

disclosed<sup>14</sup> over the assessment period as well as, wherever applicable, the number of bird specimens involved in the offence.

In case an offence was committed by a group of persons, the number of offences to be reported in the second column of the above table should be multiplied by the number of persons involved / prosecuted for that offence.

In case a single person faced multiple charges for different offence categories (for instance illegal killing of a protected bird and using prohibited methods of hunting), such case should be reported under each offence category for which that person has been charged / prosecuted.

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<sup>14</sup> "Disclosed" implies cases of IKB offences where sufficient material evidence was collected to enable identification of suspects and prosecution of the offence in accordance with the applicable criminal or administrative proceedings.

## B. Comprehensiveness of national legislation

### 5. National wildlife legislation<sup>15</sup>

The comprehensiveness of national legislative provisions in force for wildlife conservation, management and use, including prohibition of IKB

**Question: Does comprehensive national legislation<sup>16</sup> for wildlife conservation exist, including provisions to regulate international trade in wildlife or its products?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
National wildlife legislation:  <input type="checkbox"/> Has not been enacted	National wildlife legislation:  <input type="checkbox"/> Does <b>not have</b> adequate provisions to deter and combat IKB  <input type="checkbox"/> Is <b>not</b> supported by suitable legislation framework and/or regulations	National wildlife legislation:  <input type="checkbox"/> <b>Has</b> adequate provisions to deter and combat IKB.  <input type="checkbox"/> Is <b>not</b> supported by suitable legislation framework and/or regulations	National wildlife legislation:  <input type="checkbox"/> Has adequate provisions to deter and combat IKB  <input type="checkbox"/> <b>Is supported</b> by suitable legislation framework and/or regulations

Comments:

<sup>15</sup> This indicator corresponds to indicator 28 in the ICCWC Indicator Framework

<sup>16</sup> The comprehensiveness of provisions in all relevant national legislation should be considered when answering this question. In general, domestic laws pertaining to the wildlife sector should, at a minimum, set out rules for the following aspects:

- Ownership over wildlife, that is, State-ownership, private property rights, rights of indigenous people or native title;
- Designation of government agencies to oversee and regulate the wildlife sector, administrative processes and so forth;
- Game reserves and hunting areas, including the identification of the areas where subsistence, commercial or leisure hunting is prohibited or permitted;
- Licence systems for leisure and commercial hunting, including conditions for granting, renewing and cancelling hunting licences;
- Transport and import/export rules to control the movement of wildlife, dead or alive, animal parts and products made from wildlife across the country and across international borders; and
- Offences for violations of domestic wildlife laws and enforcement measures

## 6. Regulated use

The comprehensiveness of national legislation concerning sustainable use of wildlife including hunting.

**Question: Through which measures and controls do national legislation regulate the killing and taking of wild birds?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>National legislation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Does <b>not specifically</b> regulate hunting of birds from conservation / sustainable use points of view. Some legislation concerning hunting of birds may exist, however it mainly addresses the activity from arms control / public safety points of view and does not delve into wildlife conservation issues</li> </ul>	<p>National legislation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Concerning hunting exists and sets <b>basic parameters</b> that apply to various huntable species including birds:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> Establishes and defines hunting seasons</li> <li><input type="checkbox"/> Lists species that can be hunted</li> <li><input type="checkbox"/> Regulates methods of hunting</li> </ul> </li> </ul>	<p>National legislation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Concerning hunting exists separately from national legislation concerning conservation of wildlife and lays down <b>comprehensive provisions</b> concerning:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> Establishing and defining hunting seasons</li> <li><input type="checkbox"/> Listing species that can be hunted</li> <li><input type="checkbox"/> Defining hunting areas.</li> <li><input type="checkbox"/> Regulating and defining which methods are allowed for hunting</li> <li><input type="checkbox"/> Providing for effective authorization mechanism and criteria for obtaining a hunting licence</li> <li><input type="checkbox"/> Establishing bag limits and quotas for huntable species</li> <li><input type="checkbox"/> Providing for basic hunting bag reporting requirements</li> <li><input type="checkbox"/> Controls related to implementation</li> </ul> </li> </ul>	<p>National legislation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Concerning hunting is <b>fully integrated</b> within national conservation of wildlife legislation therefore ensuring the taking into account of biological and conservation aspects in hunting-related decisions and lays down <b>comprehensive provisions</b> concerning:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> Establishment and definition of hunting seasons</li> <li><input type="checkbox"/> Listing species that can be hunted</li> <li><input type="checkbox"/> Definition of hunting areas</li> <li><input type="checkbox"/> Regulation and definition of which methods are allowed for hunting</li> <li><input type="checkbox"/> Provision for appropriate authorization mechanism and criteria for obtaining a hunting license, including requirements for compulsory examination of hunting license applicants</li> <li><input type="checkbox"/> Establishment of bag limits and quotas for huntable species on the basis of biological and conservation considerations</li> <li><input type="checkbox"/> Provision for the timely collection of hunting bag data and reporting</li> </ul> </li> </ul>

			<p>mechanisms</p> <ul style="list-style-type: none"><li><input type="checkbox"/> Controls related to implementation, including enforcement (for instance providing enforcement powers to game wardens, park rangers, hunting marshals etc)</li></ul>
--	--	--	--

Comments:

## 7. Prohibitions under national legislation

The extent of activities forbidden under national legislation

**Question: To what extent does national legislation make the killing, taking and trade of wild birds illegal?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>National legislation does <b>not generally</b><sup>17</sup> forbid:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Deliberate killing of wild birds</li> <li><input type="checkbox"/> Taking of wild birds</li> <li><input type="checkbox"/> The use of means such as nets, traps, lime sticks, sound-devices, etc for capturing birds</li> <li><input type="checkbox"/> Possession<sup>18</sup> of live or dead wild birds or their parts</li> <li><input type="checkbox"/> Importation or transport of wild birds or their derivatives</li> <li><input type="checkbox"/> Sale of wild birds</li> </ul>	<p>National legislation <b>generally prohibits</b>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Deliberate killing of wild birds</li> <li><input type="checkbox"/> Taking of wild birds</li> </ul>	<p>National legislation <b>generally prohibits</b>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Deliberate killing of wild birds</li> <li><input type="checkbox"/> Taking of wild birds</li> <li><input type="checkbox"/> The use of means such as nets, traps, lime sticks, sound-devices, etc. for capturing birds</li> </ul>	<p>National legislation <b>generally prohibits</b>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Deliberate killing of wild birds</li> <li><input type="checkbox"/> Taking of wild birds</li> <li><input type="checkbox"/> The use of means such as nets, traps, lime sticks, sound-devices, etc. for capturing birds</li> <li><input type="checkbox"/> Possession of live or dead wild birds or their parts</li> <li><input type="checkbox"/> Importation or transport of wild birds or their derivatives</li> <li><input type="checkbox"/> Sale of wild birds</li> </ul>

Comments:

<sup>17</sup> General prohibition may be subject to regulated exemptions that are subject of the next question

<sup>18</sup> The legal definition of 'possession' may vary with countries. Please refer to your national legislation.

## 8. Exceptions under national legislation

The extent of regulatory scrutiny concerning any authorisation of exemptions

**Question: To what extent does national legislation make it possible to authorize exemptions from the general prohibitions outlined in the answer to previous question?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>National law:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Makes it possible for authorization of exemptions involving <b>any or some</b> activities that are generally prohibited under national legislation</li> <li><input type="checkbox"/> Does not include specific criteria or processes for granting / monitoring such exemptions</li> </ul>	<p>National law:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Makes it possible for authorization of exemptions involving <b>some</b> of the activities generally prohibited under national legislation</li> <li><input type="checkbox"/> Defines the basic criteria upon which such exemptions can be granted by the responsible authority; however, such criteria for granting exemptions <b>do not correspond</b> to the criteria for exemptions stipulated in Bern Convention<sup>19</sup> / CMS<sup>20</sup> / EU Birds Directive<sup>21</sup> (for EU MS only)</li> <li><input type="checkbox"/> Does not include specific regulatory mechanism for monitoring / reporting upon exemptions granted</li> </ul>	<p>National law:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Makes it possible for authorization of exemptions involving <b>some</b> of the activities generally prohibited under national legislation</li> <li><input type="checkbox"/> Defines <b>comprehensive criteria</b> upon which such exemptions can be granted by the responsible authority; such criteria <b>correspond</b> to the criteria for exemptions stipulated in Bern Convention / CMS / EU Birds Directive (for EU MS only)</li> <li><input type="checkbox"/> Does not include specific regulatory mechanism for monitoring / reporting upon exemptions granted</li> </ul>	<p>National law:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Makes it possible for authorization of exemptions involving <b>some</b> of the activities generally prohibited under national legislation</li> <li><input type="checkbox"/> Defines <b>comprehensive criteria</b> upon which such exemptions can be granted by the responsible authority; such criteria <b>correspond</b> to criteria for exemptions stipulated in Bern Convention / CMS / EU Birds Directive (for EU MS only)</li> <li><input type="checkbox"/> Establishes, for <b>each</b> exemption granted on an annual basis, a specific regulatory mechanism that ensures strict supervision of compliance, monitoring and reporting</li> <li><input type="checkbox"/> Requires that data on all exemptions granted, is compiled on an annual basis and is publically available including information on affected species, number of specimens, justification,</li> </ul>

19 Article 9 of the Bern Convention states that: "Each Contracting Party may make exceptions from the provisions of Articles 4, 5, 6, 7 and from the prohibition of the use of the means mentioned in Article 8 provided that there is no other satisfactory solution and that the exception will not be detrimental to the survival of the population concerned". An interpretation document of art.9 of the Conventions is available <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1952251&SecMode=1&DocId=1646536&Usage=2>

20 Article III.5 of CMS states that: Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition" under clearly defined conditions listed in the article.

21 A limited number of activities normally prohibited under the Birds Directive (2009/147/EC) (Articles 5-8) are permissible by way of derogations, where particular problems or situations exist or may arise. The possibilities for use of these derogations are limited. They must be justified in relation to the overall objectives of the Directive and comply with the specific conditions for derogations described in Article 9.

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			the responsible authorities, permitting and licensing procedures, compliance monitoring and supervision
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Comments:

## 9. Sanctions and penalties

The extent to which penalties for IKB are comprehensive

**Question: What penalties and sanctions are imposed by law regarding the illegal killing, taking and trade of wild birds?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>National legislation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Does <b>not specifically</b> describe IKB-related offences and does not foresee specific penalties for such offences</li> <li><input type="checkbox"/> Does <b>not specifically</b> penalize IKB-related offences unless these are coupled with breaches of other legislation such as arms control laws</li> </ul>	<p>National legislation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provides <b>basic description(s)</b> of IKB-related offences that encompass illegal killing, trapping and trade of wild birds</li> <li><input type="checkbox"/> Stipulates <b>maximum</b> penalties for most IKB-related offences <b>but does not stipulate a minimum penalty</b></li> <li><input type="checkbox"/> Provides for a <b>limited spectrum</b> of criminal and administrative sanctions including:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> Fines</li> <li><input type="checkbox"/> Imprisonment (usually suspended jail terms in the most severe cases IKB)</li> <li><input type="checkbox"/> Suspension of license.</li> <li><input type="checkbox"/> Confiscation of <i>corpus delicti</i></li> </ul> </li> </ul>	<p>National legislation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provides a <b>comprehensive description(s)</b> of specific IKB-related offences that encompass illegal killing, trapping, trade, possession, transport, importation and taxidermy of wild birds</li> <li><input type="checkbox"/> Stipulates <b>both the minimum and a maximum penalty</b> for some categories of offences</li> <li><input type="checkbox"/> Provides for a <b>wide spectrum</b> of criminal and administrative sanctions including:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> Fines</li> <li><input type="checkbox"/> Imprisonment (usually suspended jail terms in the most severe cases IKB)</li> <li><input type="checkbox"/> Suspension of license.</li> <li><input type="checkbox"/> Confiscation of <i>corpus delicti</i></li> <li><input type="checkbox"/> Permanent revocation of licence</li> <li><input type="checkbox"/> Community service</li> <li><input type="checkbox"/> Other sanctions</li> </ul> </li> </ul>	<p>National legislation:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provides a <b>comprehensive description(s)</b> of specific IKB-related offences that encompass illegal killing, trapping, trade, possession, transport, importation and taxidermy of wild birds</li> <li><input type="checkbox"/> Stipulates <b>both the minimum and a maximum penalty for all offence categories</b> except those where a level of penalty is fixed permanently in the law</li> <li><input type="checkbox"/> Provides for a <b>full spectrum</b> of criminal and administrative sanctions including:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> Fines</li> <li><input type="checkbox"/> Imprisonment (both effective and suspended jail terms are usually automatic for the most severe cases of IKB)</li> <li><input type="checkbox"/> Suspension of license</li> <li><input type="checkbox"/> Confiscation of <i>corpus delicti</i></li> <li><input type="checkbox"/> Permanent revocation of license in the case of IKB involving highly protected birds</li> <li><input type="checkbox"/> Community service</li> <li><input type="checkbox"/> Other sanctions</li> </ul> </li> </ul>

Comments:

## 10. Proportionality of penalties<sup>22</sup>

The extent to which severity of IKB cases is reflected in the relevant national legislation.

**Question: Does national legislation adequately penalize IKB offences?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>Penalties for IKB:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Only make provision for <b>administrative</b> penalties (e.g. fines, bans, suspensions)</li> <li><input type="checkbox"/> Are <b>not proportional</b> to the nature and severity of IKB</li> <li><input type="checkbox"/> Are <b>inadequate</b> as they do not provide an effective deterrent<sup>23</sup></li> </ul>	<p>Penalties for IKB:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are prescribed in legislation and provide for criminal prosecution</li> <li><input type="checkbox"/> <b>Do not differentiate</b> offences on the basis of gravity factors, leaving a wide margin of judiciary discretion in the determination of the magnitude of penalties meted out</li> <li><input type="checkbox"/> Are <b>inadequate</b> as they do not provide an effective deterrent</li> </ul>	<p>Penalties for IKB:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are prescribed in legislation and provide for criminal prosecution</li> <li><input type="checkbox"/> Provide a penalty structure that <b>somewhat</b> reflects severity of offences on the basis of basic gravity factors; however, leaving a wide margin for judiciary discretion</li> <li><input type="checkbox"/> Are generally seen as providing an <b>adequate</b> and proportionate deterrent for most cases of IKB</li> </ul>	<p>Penalties for IKB:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are prescribed in legislation and provide for criminal prosecution</li> <li><input type="checkbox"/> <b>Fully</b> reflect severity of offences on the basis of gravity factors recommended as part of Bern Convention Tunis Action Plan<sup>24</sup></li> <li><input type="checkbox"/> Are generally seen as providing an <b>adequate</b> and <b>proportionate</b> deterrent for all IKB cases, as evidenced through sustained IKB crime decline (sustained decline in IKB cases observed over at least 3 years)</li> <li><input type="checkbox"/> Treat wildlife crime offences involving organized criminal groups as serious crime<sup>25</sup> carrying a minimum term of four years imprisonment</li> </ul>

Comments:

<sup>22</sup> This indicator is based on indicator 40 of the ICCWC frame work.

<sup>23</sup> Measuring and estimating the effects of criminal sanction on subsequent criminal behaviour is very complex and there is no agreement on the deterrence of sanctions on criminal behaviours. Please make sure you assess here the adequacy of the law, not the effectiveness of the judicial system (which has also an impact on the deterrence of a law). It is therefore a matter of expert opinion, but should be backed by facts to be reported in the 'comments' section.

<sup>24</sup> Bern Convention 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

<sup>25</sup> The United Nations Convention against Transnational Organized Crime defines serious crime as conduct constituting an offence punishable by imprisonment for at least four years or a more serious penalty.

## 11. Use of criminal law<sup>26</sup>

The extent to which a combination of relevant national legislation and criminal law are used to prosecute IKB in support of legislation enacted to combat wildlife crime.

**Question: Does national prosecution of IKB cases ensure the highest penalties by taking into account the cross-over elements with other crimes via criminal law<sup>27</sup>?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>Relevant criminal law:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Cannot</b> be applied to IKB offences</li> <li><input type="checkbox"/> IKB cases are either <b>not penalized</b> at all or are penalized <b>only administratively</b></li> </ul>	<p>Relevant criminal law:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is <b>rarely</b> applied to IKB crime cases</li> <li><input type="checkbox"/> Most IKB cases <b>except the most severe</b> are penalized administratively</li> <li><input type="checkbox"/> Wherever criminal law is evoked in the <b>most severe</b> IKB cases, this usually stems from laws unrelated to wildlife conservation, such as arms control or public safety laws</li> </ul>	<p>Relevant criminal law:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is <b>sometimes</b> applied to IKB crime cases</li> <li><input type="checkbox"/> <b>Generally</b> describes which IKB-related offence categories are subject to criminal liability and which categories are subject to administrative sanctions</li> </ul>	<p>Relevant criminal law:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is <b>usually</b> applied in most IKB crime cases, as required</li> <li><input type="checkbox"/> <b>Clearly</b> describes offence categories that are subject to criminal as opposed to administrative liability</li> <li><input type="checkbox"/> Is supported by <b>mechanisms that harmonize</b> wildlife and other key domestic legislation such as criminal law</li> </ul>

Comments:

<sup>26</sup> This indicator is based on indicator 33 of the ICCWC Indicator Framework

<sup>27</sup> Because of the high value of some illegally-traded bird specimens and the involvement of organized crime groups in IKB, mandated maximum fines of legislation enacted to combat wildlife crime often bear little relation to the value of illegally killed, trapped or traded bird specimens or the severity of the offence. It is therefore important that persons arrested for involvement in IKB whenever possible and appropriate, are charged and tried under a combination of relevant laws that carry the highest penalties. It includes legislative provisions for International cooperation, combating corruption and addressing organized crime. Also includes use of general crime laws that relate to offences such as fraud, conspiracy, possession of weapons and other matters as set out in the national criminal code.

## 12. Organized crime legislation

The extent to which specific legislation to address organized crime<sup>28</sup> is used to combat IKB

**Question: How is national legislation to address organized crime being used in the investigation and prosecution of IKB?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	N/A <input type="checkbox"/>
National legislation on organized crime: <input type="checkbox"/> Has not been enacted <input type="checkbox"/> Cannot be used for prosecuting IKB	National legislation on organized crime: <input type="checkbox"/> Is in place but is <b>rarely</b> used in IKB cases prosecution <input type="checkbox"/> Does <b>not</b> have provision for special investigation methods	National legislation on organized crime: <input type="checkbox"/> Is in place and is <b>sometimes</b> used in IKB cases <input type="checkbox"/> Special investigation methods used for organized crime are <b>not available</b> for IKB cases	National legislation on organized crime: <input type="checkbox"/> Is in place and <b>used as appropriate</b> in IKB cases <input type="checkbox"/> Special investigation methods used for organized crime are <b>applied also</b> to IKB cases	Not Applicable as the country has no known cases of organized crime

Comments:

<sup>28</sup> The United Nations Convention against Transnational Organized Crime defines an organized criminal group as a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

### 13. Transposition of international law and commitment to national legislation

The comprehensiveness of national legislative provisions to transpose CMS and Bern Convention obligations regarding IKB, where these are applicable.

**Question: To what extent national legislation transposes international obligations regarding IKB made by ratifying the Convention of Migratory Species and/or the Bern Convention?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>The country:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is <b>not</b> a member of CMS</li> <li><input type="checkbox"/> Is <b>not</b> a member of Bern</li> </ul>	<p>National legislation for CMS:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Has <b>not</b> been enacted.</li> </ul> <p>National legislation for Bern Convention:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Has <b>not</b> been enacted</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> CMS commitments regarding the fight against IKB have been <b>partially</b> transposed into the existing national legislation</li> <li><input type="checkbox"/> Bern Convention commitments regarding the fight against IKB have been <b>partially</b> transposed into the existing national legislation</li> <li><input type="checkbox"/> The country <b>has</b> pending / unresolved case files / complaints under Bern Convention related to incorrect or incomplete transposition of the provisions of the Convention into national law</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> CMS commitments regarding the fight against IKB have been <b>fully</b> transposed into the existing national legislation</li> <li><input type="checkbox"/> Bern Convention commitments regarding the fight against IKB have been <b>fully</b> transposed into the existing national legislation</li> <li><input type="checkbox"/> The country <b>has no</b> pending / unresolved case files / complaints under Bern Convention related to incorrect transposition of the provisions of the Convention into national law</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> The country is not a Party of one or both Treaties</li> </ul>

Comments:

## C. Enforcement response: preparedness of law enforcement bodies and coordination of national institutions

### 14. National Action Plan to combat IKB<sup>29</sup>

The existence of a national strategy or action plan for IKB.

**Question: Is there a national action plan or equivalent document to tackle IKB?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>A national IKB action plan:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Has <b>not</b> been developed</li> <li><input type="checkbox"/> IKB is <b>not covered</b> by any other relevant enforcement strategies or action plans</li> </ul>	<p>A national IKB action plan:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> is in the process of being developed</li> <li><input type="checkbox"/> IKB is covered by other relevant enforcement strategies or action plans</li> </ul>	<p>A national IKB action plan:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Has been developed</li> <li><input type="checkbox"/> Has been adopted by some relevant national enforcement agencies</li> <li><input type="checkbox"/> Is <b>not actively</b> implemented by all relevant enforcement agencies</li> <li><input type="checkbox"/> Has <b>not</b> been regularly updated</li> </ul>	<p>A national IKB action plan:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Has been developed</li> <li><input type="checkbox"/> Has been adopted by all relevant national enforcement agencies</li> <li><input type="checkbox"/> Is actively implemented by all relevant enforcement agencies</li> <li><input type="checkbox"/> Is being monitored and reviewed to ensure it remains up to date</li> </ul>

Comments:

<sup>29</sup> This indicator corresponds to indicator 3 of the ICCWC framework

## 15. Enforcement priority<sup>30</sup>

The recognition of combating wildlife crime as a high national level priority.

**Question: Is combating IKB identified as a high priority at the national level?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
IKB crime: <input type="checkbox"/> Is <b>rarely</b> identified as a high priority among national law enforcement agencies	IKB crime: <input type="checkbox"/> Is <b>sometimes</b> identified as a high priority among national law enforcement agencies	IKB crime: <input type="checkbox"/> Is <b>usually</b> identified as a high priority among national law enforcement agencies  <input type="checkbox"/> Has <b>not</b> been formally <sup>31</sup> adopted and/or acknowledged as a high priority	IKB crime: <input type="checkbox"/> Is <b>usually</b> identified as a high priority among national law enforcement agencies  <input type="checkbox"/> Has been formally adopted and/or acknowledged as a high priority

Comments:

<sup>30</sup> This indicator is based on indicator 1 of the ICCWC Indicator Framework

<sup>31</sup> Formal recognition could include reference to wildlife crime as a priority issue within strategic plan(s), Memoranda of Understanding, public statements by heads of agencies and/or Declarations/Decrees by Heads of State.

## 16. Stakeholders and policy-making

The level of stakeholder participation to IKB-related policy-making

**Question: To what extent and through which means are stakeholders<sup>32</sup> involved in policy-making to address IKB**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>Stakeholders' participation in policy decisions concerning IKB:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is not envisaged or provided for in the national law</li> <li><input type="checkbox"/> Is limited and informal, <b>whenever it may occur on an <i>ad hoc</i> basis</b></li> <li><input type="checkbox"/> Is largely limited to <b>provision of basic</b> information on the policies that <b>are being</b> developed</li> </ul>	<p>Stakeholders' participation in policy decisions concerning IKB:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is envisaged or provided for in the national law, <b>but:</b></li> <li><input type="checkbox"/> Is limited to consultation</li> <li><input type="checkbox"/> Is achieved through ad hoc meetings as no formal committee is established</li> <li><input type="checkbox"/> Is achieved via consultation with academics through the national wildlife agency (or similar technical body)</li> </ul>	<p>Stakeholders' participation in policy decisions concerning IKB:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is envisaged or provided for in the national law, <b>and:</b></li> <li><input type="checkbox"/> Ensures that their inputs are treated as advice and are taken into consideration in the policy-making process</li> <li><input type="checkbox"/> Is achieved through formal structures and committees</li> <li><input type="checkbox"/> <b>But is however</b> incomplete as one or more stakeholders' group is not involved or willing to participate</li> </ul>	<p>Stakeholders' participation in policy decisions concerning IKB:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Is envisaged or provided for in the national law, <b>and:</b></li> <li><input type="checkbox"/> Ensures that they are <b>fully consulted on key policy changes</b></li> <li><input type="checkbox"/> is ensured by formal structures and committees that meet with the appropriate frequency</li> <li><input type="checkbox"/> Is complete as all <b>major</b> stakeholders are involved</li> </ul>

Comments:

<sup>32</sup> Stakeholders include the regulated community (i.e. harvesters including hunters, sellers, traders etc. as described in indicator 26), bird conservation NGOs, Academia, and local communities when appropriate

## 17. Staffing and recruitment<sup>33</sup>

The level of staff resources<sup>34</sup> in national law enforcement agencies to combat wildlife crime.

**Question: What staff resources do national law enforcement agencies have to combat IKB?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>Law enforcement agencies:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are <b>significantly</b> under-staffed</li> <li><input type="checkbox"/> Are <b>rarely</b> able to recruit and/or attract additional staff</li> </ul>	<p>Law enforcement agencies:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Sometimes</b> have a full complement of staff</li> <li><input type="checkbox"/> <b>Usually</b> experience staffing<sup>35</sup> and/or skills shortages</li> <li><input type="checkbox"/> Usually experience recruitment delays and/or difficulties</li> </ul>	<p>Law enforcement agencies:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Usually</b> have a full complement of staff, although it has not always kept up with changing wildlife crime trends</li> <li><input type="checkbox"/> <b>Sometimes</b> experience staffing and/or skills shortages</li> <li><input type="checkbox"/> <b>Sometimes</b> experience delays in recruitment and/or difficulties attracting suitably qualified candidates</li> </ul>	<p>Law enforcement agencies:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Usually</b> have a full complement of staff, which has generally kept up with changing wildlife crime trends</li> <li><input type="checkbox"/> <b>Usually</b> have an appropriate mix of staff and skills</li> <li><input type="checkbox"/> <b>Usually</b> process recruitment vacancies as they arise with suitably-qualified candidates</li> </ul>

Comments:

<sup>33</sup> This indicator corresponds to indicator 8 in the ICCWC Indicator Framework

<sup>34</sup> Whether the staff level is sufficient or not is matter of expert opinion. Please provide any evidence and rational in the 'Comments' section. Please note that indicator 19 will be dealing with enforcement effort.

<sup>35</sup> Staffing includes factors such as whether there is an appropriate mix of full-time, part-time and casual staff; experienced and less experienced staff; and professional, technical, investigative and administrative staff as needed to discharge the required activities

## 18. Specialized training

The percentage of enforcement officers receiving regular training in IKB-related aspects.

**Question: How many of the enforcement officers<sup>36</sup> have received regular training in IKB-related aspects?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<input type="checkbox"/> None	<input type="checkbox"/> Less than 10%	<input type="checkbox"/> Between 10% and 50%	<input type="checkbox"/> More than 50%

Comments<sup>37</sup>:

<sup>36</sup> "Enforcement officers" refers in this case to police officers and any other professional involved in the protection and management of wildlife, national parks and natural areas (e.g. rangers, forest guards, game wardens, field enforcement officers).

<sup>37</sup> Please provide information on how frequently the trainings are organized, the issue covered the number of people involved, who provided the training, etc.

## 19. Field enforcement effort

The intensity of efforts devoted by law enforcement agencies to combat IKB.

**Question: Is the surveillance effort put in place to combat IKB considered sufficient?**

*Measurement: .in a scale 1-5, with 5 being the most positive, score the field enforcement effort of the law enforcement agencies in your country*

<i>Insufficient to address IKB</i>					<i>Sufficient to properly address IKB</i>	
1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>	5 <input type="checkbox"/>		

Comments<sup>38</sup>:

<sup>38</sup> Please provide further information if available on specific figures such as the number of staff members or person/days per year invested by law enforcement agencies in combating IKB.

## D. Prosecution and sentencing - effectiveness of judicial procedures

### 20. Quality of judicial processes

Effectiveness and efficiency of administration of sanctions for IKB offences

**Question: Are sanctions for IKB-related offences administered effectively and efficiently?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>IKB cases:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are <b>not</b> prosecuted before criminal courts</li> <li><input type="checkbox"/> Are <b>not</b> subject to sanctions under administrative or other penalty regime</li> <li><input type="checkbox"/> Are not recorded and not accessible to other prosecutors/judges</li> <li><input type="checkbox"/> Reports by civil society of illegal bird killing or taking are seldom investigated.</li> </ul>	<p>IKB cases:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Usually take<sup>39</sup> over <b>two years</b> to conclude in the case of criminal proceedings</li> <li><input type="checkbox"/> Usually take<sup>40</sup> over six months to conclude in the case of administrative or other penalty regime</li> <li><input type="checkbox"/> Generally result in over 50% acquittals<sup>41</sup></li> <li><input type="checkbox"/> Are handled by general prosecutors and judges <b>not</b> specialized in wildlife crime</li> <li><input type="checkbox"/> Are recorded but not easily accessible to other prosecutors/judges <input type="checkbox"/> Reports by civil society of illegal bird killing or taking are usually investigated.</li> </ul>	<p>IKB cases:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Usually take over <b>one year</b> but under two years to conclude in the case of criminal proceedings</li> <li><input type="checkbox"/> Usually take over <b>three months</b> but under six months to conclude in the case of administrative or other penalty regime</li> <li><input type="checkbox"/> Generally result in <b>less than 25%</b> acquittals</li> <li><input type="checkbox"/> Are mostly handled by general prosecutors and judges that <b>tend to</b> specialize in wildlife crime cases</li> <li><input type="checkbox"/> Are recorded and are accessible to other prosecutors/judges nationally</li> <li><input type="checkbox"/> Reports by civil society of illegal bird killing or taking are not only usually investigated but evidence and advice from relevant NGOs is regularly accessed and used.</li> </ul>	<p>IKB cases:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Usually take under <b>one year</b> to conclude in the case of criminal proceedings</li> <li><input type="checkbox"/> Usually take under <b>three months</b> to conclude in the case of administrative or other penalty regime</li> <li><input type="checkbox"/> Generally result in <b>less than 10%</b> acquittals</li> <li><input type="checkbox"/> Are <b>mostly</b> handled by specialized prosecutors and judges</li> <li><input type="checkbox"/> Are recorded and accessible to other prosecutors/judges regionally at the geographic scope of the IKB Scoreboard</li> <li><input type="checkbox"/> Reports by civil society of illegal bird killing or taking are not only usually investigated but evidence and advice from relevant NGOs is frequently accessed and used.</li> </ul>

Comments:

39 Duration of criminal cases is measured as a period between the date of the filing of the charges in court and the date of sentencing, but excludes any potential subsequent appeals that may be filed

40 Duration of administrative cases is measured as a period between the date when the offender is served with a notice of an administrative offence and the date of full settlement of such administrative sanction

41 Excluding acquittals made upon consideration of any appeal where applicable

## 21. Sentencing guidelines<sup>42</sup>

The existence of national guidelines or other principles for the sentencing of offenders convicted for wildlife crime.

**Question: Are there clearly-defined national guidelines or provisions in the national legislation for the sentencing of offenders convicted for IKB?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
There are no sentencing guidelines for IKB cases	Sentencing guidelines for IKB cases are under development	Sentencing guidelines for IKB cases have been finalized but not adopted	Sentencing guidelines for IKB cases have been finalized and adopted

Comments:

<sup>42</sup> This indicator is based on indicator 41 of the ICCWC Indicator Framework

## 22. Judicial awareness<sup>43</sup>

The extent of awareness of wildlife crime among the prosecutors and judges and the appropriateness of the verdicts handed down.

**Question: Are prosecutors and judges aware of the serious nature of IKB and are appropriate sentences imposed?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>The prosecutors and judges</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Have <b>no awareness</b> of the nature and prevalence of IKB, and the impact and potential profits of wildlife crime</li> <li><input type="checkbox"/> Have <b>no awareness</b> of IKB-related charges</li> <li><input type="checkbox"/> Usually treat IKB as a <b>minor offence</b></li> <li><input type="checkbox"/> Do <b>not</b> adhere to sentencing guidelines where they exist</li> </ul>	<p>The prosecutors and judges:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Have <b>limited</b> awareness of the nature and prevalence of wildlife crime, and the impact and potential profits of wildlife crime</li> <li><input type="checkbox"/> Have <b>limited</b> awareness of wildlife crime-related charges</li> <li><input type="checkbox"/> Collaborate to deliver verdicts that are <b>sometimes</b> appropriate to the nature and severity of the crime</li> <li><input type="checkbox"/> <b>Rarely</b> adhere to sentencing guidelines where they exist</li> </ul>	<p>The prosecutors and judges:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Have <b>some</b> awareness of the nature and prevalence of wildlife crime, and the impact and potential profits of wildlife crime</li> <li><input type="checkbox"/> Have <b>some</b> awareness of wildlife crime-related charges</li> <li><input type="checkbox"/> Collaborate to deliver verdicts that are <b>usually</b> appropriate to the nature and severity of the crime</li> <li><input type="checkbox"/> <b>Sometimes</b> adhere to sentencing guidelines where they exist</li> </ul>	<p>The prosecutors and judges:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are aware of the nature and prevalence of wildlife crime, and the impact and potential profits of wildlife crime</li> <li><input type="checkbox"/> Have a <b>high level</b> of awareness of wildlife crime-related charges</li> <li><input type="checkbox"/> Collaborate to deliver verdicts that are appropriate to the nature and severity of the crime</li> <li><input type="checkbox"/> <b>Routinely</b> adhere to sentencing guidelines where they exist</li> </ul>

Comments:

<sup>43</sup> This indicator corresponds to indicator 42 of the ICCWC Indicator Framework

## 23. Judiciary training

The percentage of environmental prosecutors and judges trained in IKB-related aspects.

**Question: How many environmental prosecutors and judges who deal with wildlife crime have received training in IKB-related aspects?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<input type="checkbox"/> None	<input type="checkbox"/> Less than <b>10%</b>	<input type="checkbox"/> Between <b>10%</b> and <b>50%</b>	<input type="checkbox"/> More than <b>50%</b>

Comments<sup>44</sup>:

<sup>44</sup> Please provide information on how frequently the trainings are organized, the issue covered the number of people involved, who provided the training, etc.

## E. Prevention - other instruments used to address IKB

### 24. International cooperation

The extent to which national governmental institutions take advantage of the international initiatives and working groups on IKB

**Question: Do national governmental institutions participate actively in IKB-related international initiatives?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>National government <b>does not</b> participate in:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Meetings of the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean</li> <li><input type="checkbox"/> Meetings of the Bern Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds</li> <li><input type="checkbox"/> CITES IKB initiatives</li> <li><input type="checkbox"/> EU IKB Initiatives</li> <li><input type="checkbox"/> Any bilateral IKB initiatives</li> </ul>	<p>National government participates (less than 50% of meetings in the last 3 years) in:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Meetings of the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean</li> <li><input type="checkbox"/> Meetings of the Bern Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds</li> <li><input type="checkbox"/> CITES IKB initiatives</li> <li><input type="checkbox"/> EU IKB Initiatives</li> <li><input type="checkbox"/> Any bilateral IKB initiatives</li> </ul>	<p>National government participates (more than 50% of the meeting in the last three years) in:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Meetings of the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean</li> <li><input type="checkbox"/> Meetings of the Bern Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds</li> <li><input type="checkbox"/> CITES IKB initiatives</li> <li><input type="checkbox"/> EU IKB Initiatives</li> <li><input type="checkbox"/> Any bilateral IKB initiatives</li> </ul>	<p>National government takes an active role<sup>45</sup> in:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Meetings of the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean</li> <li><input type="checkbox"/> Meetings of the Bern network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds</li> <li><input type="checkbox"/> CITES IKB initiatives</li> <li><input type="checkbox"/> EU IKB Initiatives</li> <li><input type="checkbox"/> Any bilateral IKB initiatives</li> </ul>

Comments:

<sup>45</sup> Active role includes actions such as participating to all meetings, replying to questionnaires and implementing initiatives at national level.

## 25. Drivers of wildlife crime<sup>46</sup>

The extent to which the drivers of IKB in the country are known and understood.

**Question: What is the level of awareness of the drivers<sup>47</sup> of IKB in your country, including those relating to the supply and consumer demand for illicit products?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
The drivers of IKB are unknown	Knowledge of the drivers of IKB: <ul style="list-style-type: none"> <li><input type="checkbox"/> Is <b>basic</b></li> <li><input type="checkbox"/> Is <b>anecdotal</b></li> <li><input type="checkbox"/> Is based on <b>limited</b> sources</li> </ul>	Knowledge of the drivers of IKB: <ul style="list-style-type: none"> <li><input type="checkbox"/> Is <b>moderate</b></li> <li><input type="checkbox"/> Involves <b>gaps</b> in knowledge</li> </ul>	Knowledge of the drivers of IKB: <ul style="list-style-type: none"> <li><input type="checkbox"/> Is <b>good</b></li> <li><input type="checkbox"/> Is reasonably <b>comprehensive</b></li> <li><input type="checkbox"/> Is based on information from a variety of sources <b>including scientific research</b></li> </ul>

Comments:

<sup>46</sup> This indicator corresponds to indicator 45 in the ICCWC Indicator Framework

<sup>47</sup> ‘Drivers’ are the underlying factors that are behind IKB. It can be driven by multiple factors, including (but not limited to) rural poverty, food insecurity, economic interests, poor law enforcement, unclear legislation, penalties too low to deter crime, perceived legitimacy, tradition, etc.’

## 26. Demand-side activities<sup>48</sup>

The extent to which activities to address the demand of illegal wildlife products are implemented.

**Question: Are activities implemented to address the demand<sup>49</sup> for illegally obtained wild birds?**

*Measurement:*

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Demand-side activities: <input type="checkbox"/> Have <b>neither</b> been developed nor Implemented <input type="checkbox"/> There is <b>no</b> information available on the demand for illegally obtained wild birds in the country.	Demand-side activities: <input type="checkbox"/> Have been <b>developed</b> <input type="checkbox"/> Are <b>rarely</b> implemented in full due to a lack of available resources (e.g. technical, human, financial) <input type="checkbox"/> Are based on information on demand for illegally obtained wild birds in the country	Demand-side activities: <input type="checkbox"/> Have been developed and implemented <input type="checkbox"/> Are <b>regularly</b> reviewed to identify the outcomes achieved <input type="checkbox"/> Are based on information on demand for illegally obtained wild birds in the country	Demand-side activities: <input type="checkbox"/> Have been developed and implemented <input type="checkbox"/> Are <b>regularly</b> reviewed to identify the outcomes achieved <input type="checkbox"/> Are <b>not needed</b> as data confirms that there is very little demand for illegally obtained wild birds in the country

Comments:

<sup>48</sup> This indicator corresponds to indicator 46 in the ICCWC Indicator Framework

<sup>49</sup> Demand-side activities are activities developed and implemented to reduce the demand for a particular illegally-traded bird product, or for illegally-traded wildlife more general. In many instances, these activities may be closely associated with awareness-raising activities to build public awareness of the legal requirements that applies to trade in wildlife. When answering this question please consider activities that the government has conducted and/or participated in, including activities which may have been developed or implemented in partnership with other countries and/or non-government organizations.

## 27. Regulated community<sup>50</sup>

The extent to which awareness-raising materials and/or programmes are in place to increase the awareness of the regulated community, of the laws that apply to the sustainable use of wild birds.

**Question: Are efforts taken to increase the awareness of the regulated community<sup>51</sup>, of the legislative requirements concerning sustainable use of wildlife and the penalties for non-compliance?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
Efforts to increase awareness of the regulated community:  <input type="checkbox"/> Are <b>not</b> undertaken	Efforts to increase awareness of the regulated community:  <input type="checkbox"/> Are usually informal and reactive  <input type="checkbox"/> Are <b>not</b> comprehensive or widespread	Efforts to increase awareness of the regulated community:  <input type="checkbox"/> Are based on awareness raising materials that have been developed  <input type="checkbox"/> Are <b>relatively</b> up-to-date  <input type="checkbox"/> Are <b>sometimes</b> comprehensive or widespread	Efforts to increase awareness of the regulated community:  <input type="checkbox"/> Are based on <b>well-developed</b> and up-to-date awareness raising materials  <input type="checkbox"/> <b>Comprehensively</b> target the different types of user and permit holder(s)

Comments:

<sup>50</sup> This indicator corresponds to indicator 47 in the ICCWC Indicator Framework

<sup>51</sup> The regulated community could include harvesters (including hunters), sellers, traders (including on-line traders) and/or any individual or group that is issued a permit and/or licence to take, use and/or trade in wild birds and their products, and/or that conducts business activities related to the trade in wild birds.

## 28. Public awareness actions<sup>52</sup>

The extent to which awareness-raising materials and/or programmes are in place to increase public awareness of IKB.

**Question: Are efforts taken to increase public awareness<sup>53</sup> of the environmental, social and economic impacts of IKB?**

Measurement:

0 <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
<p>Efforts to increase public awareness:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are <b>not</b> undertaken.</li> <li><input type="checkbox"/> Sentences of IKB cases are <b>never</b> publicized</li> </ul>	<p>Efforts to increase public awareness:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are usually <b>informal</b> and <b>reactive</b></li> <li><input type="checkbox"/> Are <b>neither</b> comprehensive nor widespread</li> <li><input type="checkbox"/> There is <b>no national</b> communication strategy on IKB.</li> <li><input type="checkbox"/> Sentences of IKB cases are <b>seldom</b> publicized</li> </ul>	<p>Efforts to increase public awareness:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are based on awareness raising materials that have been developed by conservation NGOs</li> <li><input type="checkbox"/> Are <b>locally</b> implemented by governmental bodies</li> <li><input type="checkbox"/> Are <b>sometimes</b> comprehensive or widespread</li> <li><input type="checkbox"/> Implement <b>only partially</b> a national communication strategy on IKB.</li> <li><input type="checkbox"/> Sentences of IKB cases are <b>often</b> publicized</li> </ul>	<p>Efforts to increase public awareness:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Are based on well-developed and up-to-date awareness raising materials developed by governmental bodies</li> <li><input type="checkbox"/> <b>Comprehensively</b> target the different types of stakeholders</li> <li><input type="checkbox"/> <b>Fully undertake</b> a national communication strategy on IKB.</li> <li><input type="checkbox"/> Sentences of IKB cases are <b>always</b> publicized</li> </ul>

Comments:

<sup>52</sup> This indicator is based on indicator 50 in the ICCWC Indicator Framework

<sup>53</sup> Awareness-raising activities may include public campaigns, awareness-raising materials, public meetings, and/or the promotion of crime notification hotlines. When answering this question please include activities that the government has conducted and/or participated in, including activities which may have been developed or implemented in partnership with other countries and/or non-government organizations.

## Summary of scores

<i>Indicator</i>	<i>Indicator score</i>	<i>Indicator Group</i>	<i>Group score<sup>54</sup></i>
<b>1. Status and scale of IKB</b>			
<b>2. Number and distribution of illegally killed or trapped birds</b>	data	A. National monitoring of IKB (data management of scope and scale of IKB)	
<b>3. Number of IKB cases</b>			
<b>4. Number of IKB cases in the last year</b>	data		
<b>5. National wildlife legislation</b>			
<b>6. Regulated use</b>		B. Comprehensiveness of national legislation	
<b>7. Prohibitions under national legislation</b>			
<b>8. Exceptions under national legislation</b>			
<b>9. Sanctions and penalties</b>			
<b>10. Proportionality of penalties</b>			
<b>11. Use of criminal law</b>			
<b>12. Organized crime.</b>			
<b>13. Transposition of international law and commitment and national legislation</b>		C. Enforcement response (preparedness of law enforcement bodies and coordination of national institutions)	
<b>14. National Action Plan for combating IKB</b>			
<b>15. Enforcement priority</b>			
<b>16. Stakeholders and Policy-making</b>			
<b>17. Staffing and recruitment</b>			
<b>18. Specialized training</b>		D. Prosecution and sentencing (effectiveness of judicial procedures)	
<b>19. Field enforcement effort</b>	data		
<b>20. Quality of judiciary processes</b>			
<b>21. Sentencing guidelines</b>			
<b>22. Judicial awareness</b>		E. Prevention (other instruments used to address IKB)	
<b>23. Judiciary training</b>			
<b>24. International cooperation</b>			
<b>25. Drivers of wildlife crime</b>			
<b>26. Demand-side activities</b>			
<b>27. Regulated community</b>			
<b>28. Public awareness actions</b>			
<b>TOTAL SCORE</b>			

<sup>54</sup> Sum of the score of all indicators of the same group excluding those for which numerical data are requested (i.e. indicators No. 2, 4 and 19) and those considered 'not applicable' (i.e. 12 and/or 16) by the respondent.

**ANNEX 5****TERMS OF REFERENCE OF THE INTERGOVERNMENTAL TASK FORCE TO ADDRESS ILLEGAL HUNTING, TAKING AND TRADE OF MIGRATORY BIRDS IN THE EAST ASIAN-AUSTRALASIAN FLYWAY (ITTEA)****Background and purpose**

This Task Force is established in line with the mandate provided by the Resolution adopted at COP11 entitled “The prevention of Illegal Killing, Taking and Trade of Migratory Birds” to assist the Parties to the Convention on Migratory Species (CMS) and its associated instruments, relevant MEAs and Conventions to fulfil their obligations to protect migratory birds from illegal hunting, taking and trade.

**Goal**

To ensure that no illegal hunting, taking and trade of migratory birds (IHB) takes place in East Asian-Australasian Flyway (EAAF).

**Role**

To facilitate concerted efforts and procedures to combat IHB in the East Asian-Australasian Flyway in close cooperation with the East Asian-Australasian Flyway Partnership.

**Scope**

The Task Force will be regional covering all states of the East Asian-Australasian Flyway as follows; Australia, Bangladesh, Brunei, Cambodia, China, Democratic People’s Republic of Korea, Indonesia, Japan, Laos, Malaysia, Mongolia, Myanmar, New Zealand, Papua New Guinea, Philippines, Republic of Korea (South Korea), the Russian Federation, Singapore, Thailand, Timor-Leste (East Timor), United States of America and Vietnam.

The Task Force will cover all migratory bird taxa as identified by CMS, except waterbirds.

**Remit**

The Task Force will:

- Support and guide a review on the status of hunting regulations related to migratory birds in the EAAF;
- Support and guide a situation analysis on IHB in the flyway, building on the existing work of CMS MIKT in the Mediterranean, Europe and Middle East;
- Promote and facilitate implementation of relevant decisions and plans adopted in the framework of MEAs or other frameworks, especially the CMS, AMBI and Bilateral Migratory Bird Agreements;
- Stimulate internal and external communication and exchange of information, experience, best practice and know-how;
- Assist in resource mobilization for priority actions including cooperation with ASEAN;
- Monitor the implementation of the relevant decisions and plans and their effectiveness and regularly submit progress reports to the governing bodies of participating MEAs, including via an intergovernmental ‘scoreboard’ to indicate progress on eliminating IHB;
- Strengthen regional and international networks with experience on IHB (e.g. ASEAN Wildlife Enforcement Network); and
- Liaise and share experience with both the CMS MIKT and the EAAFP Task Force.

## Membership

The Task Force membership will be comprised of representatives of relevant government institutions in the field of environment, game management, law enforcement and judiciary in the Parties to the participating MEAs in the EAAF Region.

It will also involve observers from the Secretariats of the participating MEAs and frameworks, as well as academic institutions, the hunting community, NGOs and other stakeholders, as appropriate.

In addition, the following representatives will be invited to contribute to the Task Force:

- Representatives of Parties elsewhere in the EAAF and beyond that wish to support the work of the Task Force;
- Representatives of the CMS Scientific Council, CMS MIKT, EAAFP Task Force, AEWA Technical Committee, CMS Preventing Poisoning Working Group, the African-Eurasian Migratory Landbird Working Group, the Flyways Working Group, and other groups with relevant experience;
- Representatives from relevant Bilateral Migratory Bird Agreement and relevant IUCN specialist groups; and
- Relevant independent experts on IHB and on migratory bird ecology and policy.

## Governance

The Task Force will elect a Chair and a Vice-Chair from amongst its members.

Decision making will be done by seeking consensus, as much as possible, among the group.

The Task Force will operate by seeking consensus, as much as possible among the group and in accordance with a *modus operandi* which shall be developed once the Task Force in convened.

## Operation

Funding permitting, a coordinator will be appointed by the Task Force with the following functions:

- organizing the meetings of the Task Force and preparing the background documents;
- maintaining and moderating the Task Force's communication platform (website and intranet);
- facilitating implementation of decisions of the Task Force;
- facilitating fundraising and resource mobilization; and
- facilitating engagement with stakeholders within and beyond the Task Force.

Meetings of the Task Force will be convened at appropriate intervals, as considered necessary and funding permitting. Between meetings business will be conducted electronically through an online workspace (intranet) within the Task Force's website, which will provide the primary mode of communication.

In collaboration with Parties and relevant international organizations and subject to the availability of funds, the Task Force will organize regional workshops in trouble spot areas to assist in the development of appropriate local or regional solutions.